

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.2589 of 2017

- Kanhaiya Lal Sahu S/o Paltan Sahu, Aged About 42 Years R/o Basin, Police Station Sargaon, District- Mungeli, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through: Outpost Sargaon Police Station Patharia District- Mungeli, Chhattisgarh.

-----Respondent

For Applicant : Shri Arvind Dubey, Advocate.

For Respondent : Ms. K. Tripti Rao, Panel Lawyer for the State.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

On 15.06.2017.

This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with crime No.262/2016 registered at Out Post Sargaon, Police Station Patharia, Distt. Mungeli for the offence punishable under Sections 420/34 of the Indian Penal Code and under Sections 3, 4 & 5 of the Prize Chits Fund Operation Scheme Prohibition Act, 1978.

2. As per the case of the prosecution, present applicant being an agent/employee of BN Gold Company sought investment from the general public on the ground of giving heavy return by double the amount invested within five or six years of investment. Based upon this, huge amount of investment has been made and one such investment has been made by complainant Hepbisa Prakash who invested an amount of Rs.38,000/- periodically and later on came to know that the company stopped taking investment and also not returning the money already deposited, thereafter she lodged a complaint.

3. Learned counsel for the applicant submits that the applicant is only an agent/employee of the said company, he was under the supervision of superior officers and directors of the company. Moreover, he himself has invested huge amount in the company being an employee of the same company. His money was also not returned by the directors of the company. He further submits that the present applicant is not in any manner a beneficiary of the act of the company.

4. On the other hand, learned counsel for the State opposes the bail application on the ground that as per the statement of the witnesses, the present applicant has collected the money from them in the name of the company, but she does not dispute the fact that present applicant was an agent/employee of the said company.

5. I have heard the counsel appearing for the parties.

6. Having considered the total facts and circumstances, particularly the fact that the applicant was only an agent/employee of the company and that he prima facie does not seem to have benefited from the amount collected in the name of the company, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with two solvent sureties in the like sum to the satisfaction of the concerned Court for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(P. Sam Koshy)
Vacation Judge