

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 384 of 2017

- Mukund Sinha S/o Shri Kishun Ram Sinha Aged About 49 Years
Occupation- Agriculturist & Commission Agent Of P A C L , R/o
Chaparia Colony, Ward 15, Abhanpur, Police Station- Abhanpur,
District Raipur, Chhattisgarh. --- **Petitioner**

Versus

- The State of Chhattisgarh through the Officer In Charge of Police
Station Ranitarai, District- Durg, Chhattisgarh, Through The D.M.
Durg, Chhattisgarh. --- **Respondent**

For the applicant	: Mr. Roop Naik, Advocate
For the Respondent	: Mr. Anil S. Pandey, Panel Lawyer

Hon'ble Shri Justice GOUTAM BHADURI

Order on Board

17.02.2017

1. This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No.159/2016 registered at P.S. Ranitarai, Distt. Durg (C.G) for the offence punishable under Sections 420, 409, 120-B of IPC and sections 3, 4, 5, 6 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978 and section 10 of the Chhattisgarh Protection of Depositors Interest Act, 2005.
2. As per the prosecution case, a report was made by one Poshan Kumar Sinha that at the instance of the present applicant Mukund Sinha who was working as agent in PACL Company the complainant deposited Rs.1,10,000/- in the said Company with an assurance that he will get return of the same with high rate of interest and within short period, certain bonds were issued. However, when the date mentioned on bonds came for maturity, the amount was not

returned, thereby the offence has been committed.

3. Learned counsel for the applicant would submit that the applicant was working as agent and he himself has deposited the amount with the Company and being the agent the applicant has not taken any policy decision on behalf of the Company and the Company has collected deposits from all over the India and the Directors are still absconding. He further submits that no further investigation is necessary and the applicant is in jail since 23.11.2016, therefore, he may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail application.
5. Perused the complaint filed by complainant Poshan Kumar Sinha as also the reply filed by the State. Taking into the allegations attributed to the applicant, it appears that the applicant was merely working as agent and he has not taken any policy decisions on behalf of the Company and the Directors of the Company are stated to be absconding. Considering such facts and circumstances of the case especially the fact that the applicant was working as an agent and he is in jail since 23.11.2016, I am inclined to allow this bail application.
6. Accordingly, this application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the said Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE