

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 672 of 2017

- Shivram Nahak S/o Late Harinahak, Aged About 39 Years Caste Aliya, R/o Kalagarh, Police Station Asika, District Ganjam (Odisha), At Present R/o Godripara, Chief House, Ward No. 32, Chirmiri, Police Station Chirmiri, District Koriya, Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Chirmiri, District Koriya, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. D. N. Prajapati, Advocate
For the Respondent	:	Mr. Ashish Shukla, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

28.02.2017

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 220 of 2016 registered at P.S. Chirimiri, Distt. Koriya (C.G) for the offence punishable under Section 420, 409, 34 of IPC and section 10 of Niveshakon Ke Hiton Ka Sanrakshan Adhiniyam, 2005 and Sections 4, 5 of Chit Fund Act, 1982
2. As per the prosecution case, a report was lodged that the applicant was working as Branch Manager in Micro Finance Private Ltd Company and the company people allured different persons to deposit the money in the company with an assurance that the money will be returned with double amount within a short period of time. However, when the period of maturity came, the money could not be returned back and complaints were made by Omprakash Sharma and 126 others.

3. Learned counsel for the applicant would submit that the applicant was not the director of the company and as such he has not taken any policy decisions on behalf of the company. It is further submitted that the applicant was salaried employee of the Company and he has followed the instructions of the directors, therefore, he has not committed any offence. He further submits that the charge sheet has been filed and the applicant is in jail since 08.11.2016, therefore, he may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary documents and the reply filed by the State which also shows that the applicant was working in the Company.
6. Taking into the role played by the applicant it appears that the applicant has not taken any policy decision on behalf of the Company and he was not in the helm of affairs. Considering the totality of such facts and circumstances of the case especially the fact that the charge sheet has been filed and the applicant is in jail since 08.11.2016, I am inclined to allow this bail application.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court for their appearance.

C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**