

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 650 of 2017

Mukesh Pal @ Mukesh, S/o. Badamilal Pal, Aged About 35 Years, R/o. Kshatriya Colony, Banganga Road, Fukkad Mohalla, Police Station Physical, District Shivpuri, Madhya Pradesh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station Champa, District Janjgir-Champa, Chhattisgarh.

---- Respondent

For Applicant : Mr. Manoj Paranjpe, Advocate

For Respondent : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

03.03.2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.172/2016 registered at Police Station- Champa, District Janjgir-Champa (C.G.) for the offence punishable under Sections 420 read with Section 34, 409 read with Section 34 of the Indian Penal Code and Section 6(5) and 10 of Chhattisgarh Nikchhepako Ke Hito Ka Sarankshan Adhiniyam, 2005 and Section 4, 5 & 6 of Inami Chit or Dhan Parichalan Scheme (Pabandi) Adhiniyam, 1978.
2. As per the prosecution case, a report was lodged by Ganpat Lal Tandan that at the behest of the applicant and others, the complainant and others have deposited huge amount in the Company namely United Real Build Limited with an assurance that it will be returned with a high value and interest, however, the same has not been done. The said collection of money was without permission of RBI or SEBI, thereby, the offence has been committed.

3. Learned counsel for the applicant would submit that the applicant was neither the Director of the Company nor he was holding any key post so as to take the policy decision, he was only appointed as a Peon and the status of the applicant would be evident from the document Annexure-'A' which would show that the family of the applicant is below poverty line. He further submits that the charge sheet has been filed and no further investigation is necessary, therefore, the applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail and he submits that Rs.40,000/- and Rs.30,000/- was received by the applicant at different point of time.
5. Considering the documents, which is placed before this Court, it appears that the applicant was not a Director of the Company. The Director appears to have shown as Ram Sewak Shakya, Dharmendra Singh Tomar, Rakesh Singh Solanki, Jaheer Khan & Anand Kumar Agrawal. Taking into such fact and the fact that the applicant appears to be working in the Company and he has not taken any policy decision and further considering the fact that the charge sheet has been filed, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge