

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 885 of 2017

Benuram Chauhan, S/o. Late Jagmohan Chauhan, Aged About 43 Years,
R/o. Village Chandi, Police Station Berla, District Bemetara, Chhattisgarh.
At Present Amlidih, Ward No. 46, Mahatma Gandhi Nagar, Police Station
New Rajendra Nagar, Civil & Revenue District Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station Nandini Nagar, Durg, Tahsil
Durg, Civil & Revenue District Durg, Chhattisgarh.

---- Respondent

For Applicant : Mr. Mayank Chandrakar, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16.03.2017

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.16/2017 registered at Police Station- Nandini Nagar, Durg, District Durg (C.G.) for the offence punishable under Section 420 of Indian Penal Code and Section 3, 4 & 5 of the Prize Chits & Money Circulation Scheme (Banning) Act, 1978.
2. As per the prosecution case, one Harish Verma lodged a report that at the behest of the applicant and others, the complainant and others have deposited huge amount in the Company namely Future Forex Company with an assurance to get back the return with a high value and interest, however, the interest and amount was not returned according to the promise and few of the Branches of the Company were closed. 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 himself was a victim as he has deposited the money and also insisted the other persons to deposit money. He further submits that the applicant has not played any vital role in the Company and he was not involved to take any policy decision of the Company. It is further submitted 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.
5. Perused the reply filed by the State wherein it is stated that the applicant appears to be working as an Agent. Taking into such fact and the role played by the applicant and further considering the fact that the applicant has not taken any policy decision on behalf of the Company and also 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