

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C No. 1694 of 2017

- Atma Ram Sahu S/o Late Chinta Ram Sahu, Aged About 64 Years R/o Village Sarwani, Police Station Chakarbhata, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Incharge, Pratappur, District Surajpur, Chhattisgarh.

---- Respondent

For the applicant : Shri Arvind Dubey, Advocate

For the Respondent/State : Shri O.P. Sahu, GA.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

22.11.2017

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. 47/2016, registered at Police Station – Pratappur, District – Surguja (C.G), for the offence under Section 420 read with Section 34 of the Indian Penal Code and Sections 4,5,6 of Prize and Chit Fund Operation Scheme Prohibition Act, 1978

and Section 10 of Chhattisgarh Protection of Interest of Depositor Act, 2005.

2. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 31.01.2017. Applicant had worked in Saening India Real Estate and Darie's Company Ltd., as a field agent. After some time, he was appointed as a Director of the said company against his willingness, thereafter, he resigned from the directorship and his resignation was accepted. Applicant was not involved in making with contact with the investors and taking deposits and he has left the job as a Director in the year 2014. Applicant is ready to abide by all the conditions which may be imposed upon him while granting bail, hence, the applicant prays for grant of bail.
3. Learned counsel for the State opposes the bail application and submission made in this respect. It is submitted that applicant had supervised the other agents who were working in the said company and have induced various depositors to make deposits in the said company and the company has cheated all the investors, hence, the applicant is not entitled for grant of bail.
4. Heard counsel for both the parties and perused the case diary.
5. Facts of the case are that the various agents of Saening India Real Estate and Darie's Company Ltd., induced the various persons in the area for making deposits in schemes promising attractive returns. Office of the company was closed down in the year 2015, whereabouts of all the office bearers and the agents were not known, because of which the investors (Dena

Nath) has lodged the FIR against the company and their agents.

6. Consideration the submissions and the contents of the case, diary and looking to facts that applicant is not the one who has established the company and he has also resigned from the post of Directorship and removed himself from the said job in the year 2014, the fact that the applicant is in jail since 31.01.2017 and no purpose would be served if the applicant is kept in detention till the completion of the investigation and trial, this Court is of the opinion that this is a fit case, where the applicant is entitled for grant of bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his 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.
8. Certified copy as per rules.

Sd /-
(Rajendra Chandra Singh Samant)
Judge

Jamal