

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2995 of 2017**

Devesh @ Divesh Kumar Bajaj, S/o. Shri Rameshchandra Bajaj, Aged About 46 Years, R/o. M/26, 2 Kishan Nagar, West Vihar, New Delhi, District West Delhi.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station: City Kotwali, District -Dhamtari, Chhattisgarh

---- Respondent

AND**M.CR.C. No. 6730 of 2017**

Tularam Sahu, S/o. Late Shri Punitram Sahu, Aged About 47 Years, R/o. Village Shergaon, Thana -Mahasamund, Civil & Revenue District Mahasamund, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station - City Kotwali, Dhamtari, District -Dhamtari Chhattisgarh.

---- Respondent

For Applicants	: Mr. Awadh Tripathi & Mr. Sunil Sahu, Advocates
For Respondent/State	: Mr. Ashok Swarnakar, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****15/12/2017**

- Both the bail application are heard and decided together by this common order as they are arising out of the same crime number.

2. These are the first bail applications filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested in connection with Crime No.284/2015, registered at Police Station – City Kotwali, District – Dhamtari (C.G.) for the offence punishable under Section 420, 34, 409, 120-B, 467, 468, 471 of the Indian Penal Code and Section 4, 5, 6 of Prize Chits and Money Circulation Schemes (Banning) Act, 1978.
3. It is submitted by the learned counsel for the applicant – Devesh @ Divesh Kumar Bajaj (in M.Cr.C. No.2995/2017) that applicant has been falsely implicated in this case. The applicant was employed as Tax Consultant in G.N. Dairy and Gold Company. He is neither a director nor the policy maker of the company, his role was simply to advise the company on the tax matters. He had not been instrumental in advertising the scheme of the company, taking collection from the investors. It is further submitted that similar case has been registered in Devas, Madhya Pradesh, against the company in which, the applicant had been made accused and in that case, the Hon'ble High Court of Madhya Pradesh has granted bail to the applicant. Copy of the bail order of Madhya Pradesh High Court has been annexed along with this application. It is also submitted that co-accused in this case namely Baljeet Sharma, Shailendra Puri Goswami and Khomendra have been granted bail on similar grounds, applicant is in jail since 17.10.2016, therefore, it is prayed that the applicant be granted regular bail.
4. Counsel for the applicant Tularam Sahu (in M.Cr.C. No.6730/2017) submits that the applicant was employed as an agent of the company.

It is further submitted that similarly placed co-accused have been benefited with grant of regular bail and the applicant is in jail since 26.09.2017, hence, it is prayed that the applicant may be enlarged on regular bail.

5. On the other hand, learned counsel for the State opposes the bail applications and the submissions made in this respect. It is submitted that the directors, policy makers and all the employees of the company have acted as a team in inducing the various investors of this area and total in numbers 3354 persons were induced, who have made investment in the company to the tune of Rs.4,62,19,839/-. It is for the applicants and the company to make statement as to how the amount invested by various depositors shall be returned and without their being any such statement, applicants do not deserve to be released on regular bail.
6. I have heard the learned counsel for both the parties and perused the case diary.
7. The case against the applicants is these that Tularam and various other agents engaged by G.N. Diary & Gold Company allured various investors of the area and advertised the scheme of the company for making deposits and getting attractive returns. On the inducement so given, various investors have deposited with the said G.N. Diary and Gold Company. After passing of sometime, the office of the company was closed and all the agents and other employees of the company went in hiding. Complainant -Satturam Soni lodged an FIR on the basis of which, the case has been registered and the applicants have been made accused.

8. Considered the submissions made and the contents of the case diary. Taking into consideration this fact that similarly placed co-accused persons, who had been employee as an agent and manager etc. have been benefited with grant of bail by this Court and further taking into consideration this fact that both the applicants are neither the directors nor the policy makers of the company, hence for this reasons, both the applicants deserve to be released on bail on the ground of parity.
9. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.
10. It is directed that applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge