

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4498 of 2017

Dhanraj, S/o. Punau Nishad, Aged About 42 Years, Caste - Kenwat, R/o. Keshtara, Police Station - Saja, District – Bemetara, Chhattisgarh

----Applicant

Versus

State Of Chhattisgarh, Through : Station House Office, Police Station -Saja District - Bemetara Chhattisgarh

---- Respondent

For Applicant	: Mr. Raghavendra Pradhan, Advocate
For Respondent/State	: Mr. O.P. Sahu, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

03/11/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested on 09.02.2017, in connection with Crime No.59/2017, registered at Police Station – Saja, District – Bemetara (C.G.) for the offence punishable under Section 420 & 409/34 of the Indian Penal Code and Section 4, 5, 6 of Inami Chit Fund Act, 1976.
2. It is submitted by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated in this case. The applicant was employed as an agent by G.N. Gold Company Limited. The applicant had never known that the said company is a chit fund company and he was not benefited in any manner from the deposits made by the various creditors as all the deposits were transferred to the company. Applicant is in jail since 09.02.2017, the case is triable

by Judicial Magistrate First Class. Therefore, prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the applicant had been an instrumental in commission of offence by the said chit fund company because of which, huge amount was collected by the said company with the assistance of the applicant, thereby the applicant has committed the offence, which is of huge magnitude, hence, no case is made out in favour of the applicant for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the case against the applicant and other accused persons, the applicant and various other agents employed by G.N. Gold company Limited motivated and induced various persons to make deposit with the company on assurance that deposit made will be returned in double after six years. The said company neither had any authorization from RBI or SEBI. The said company winded-up and left, causing loss of huge amount to the various creditors, who could not get return of the deposit made by them. On complaint made, the case has been investigated and charge-sheet has been filed.
6. Considering the submissions and the contents of the case diary, particularly, the role played by the applicant in working under employment in the said company, the applicant himself has not

benefited from any of the deposit so made by the creditors is question, which shall be answered in the trial, the case is triable by JMFC, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his 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 his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge