

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 643 of 2017**

Vinod Kumar S/o Shri Firanta Das Manikpuri, aged 46 years, R/o. Vil. Mulmula, Tah. and District Bemetara, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through P.S. Chowki, Chandanu, Tahsil. Bemetara, District Bemetara, Chhattisgarh.

---- Respondent

For the Applicant : Shri Devershi Thakur, Advocate.
For the Respondent/State : Shri O.P. Sahu, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****10.11.2017**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.

2. It is submitted by counsel for the applicant that the applicant is apprehending arrest in connection with Crime No. 150 of 2017, registered at Chowki Chandanu, Police Station – Bemetara, District – Bemetara, Chhattisgarh for the offences punishable under Section 420/ 34 of the Indian Penal Code.

3. It is submitted by counsel for the applicant, that the applicant is neither agent nor any Director of the J & D Private Limited nor he has induced the complainant in this case to invest in the said company. The applicant himself has invested in the said company and on asking of the complainant he simply informed that he is also one of the investor. Hence, he is not

responsible for the loss of complainant in this case and he is not involved in the criminal case concerned. Hence, it is prayed that the applicant be enlarged on bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that it was the applicant who is personally induced the complainant to make investment in J & D Company giving assurance of double the investment on completion of six years. On a complaint made by the investors against the Directors of the Company and the applicant, the offence has been registered and the applicant is not entitled for grant of bail.

5. Heard counsel for both the parties and perused the case diary.

6. As per the facts of the case, the applicant had been working as an agent of J & D Company who induced the complainant and various other persons to make deposits in the said company giving assurance that the amount so deposited shall be doubled on completion of six years because of which various persons invested and the said company was winded up causing loss to the various investors. On a complaint made by the investors, the offence has been registered against the Directors and the applicant in this case.

7. Considering the submissions made and the contents of the case diary, specifically the statement against the applicant who happens to be a Kotwar

of village Mulmula and that there is no specific evidence against the applicant being engaged as an agent of the said company, I am of the considered view that the applicant deserves to be released on anticipatory bail.

8. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the Officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions:

- '(i) that the applicant shall make himself available for interrogation before the Investigating Officer as and when required;
- (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge