

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 670 of 2017**

Ishwant Kumar Dewangan, S/o. Shri Bhusan Lal Dewangan, Aged About 31 Years, R/o. Through Rohit Dewangan, Dewnagar, Ward No.17, Jamul, Bhilai Tehsil and District Durg, Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : The District Magistrate, District-Durg, Chhattisgarh

---- Respondent

For Applicant	: Mr. Goutam Khetrapal, Advocate
For Respondent/State	: Mr. O.P. Sahu, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**16/11/2017**

1. Apprehending arrest in connection with Crime No.466/2017, registered at Police Station- City Kotwali, Chowki – Padmanabhpur, District – Durg (C.G.), for offence punishable under Section 420, 34 of the Indian Penal Code and Section 3, 4, 5 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant that applicant is innocent and has been falsely implicated in this case, applicant himself was employed as manager in the Sunrise Credit Cooperative Society and as per the policy and direction of the chairman of the society, applicant was simply carrying out the orders given to him as he believed that business of the society was legal and authorized. It is true that various persons invested in the said society and have lost their investment as the society is now closed and because of which applicant has also become

unemployed. Fraud, if any, committed, have been committed by the directors of the society for which, the applicant is not responsible. Hence, it is prayed that applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submission made in this respect. It is submitted that according to the statement of the witnesses under Section 161 of CR.P.C., it has been stated by each of them that the investment were made by the said witnesses on the assurance given by the applicant, hence, the applicant had been instrumental in commission of this offence, therefore, the applicant is not entitled to be released on anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents.
5. As per the facts of the case, pension plan scheme was floated and advertised by the Sunrise Credit Cooperative Society Limited of which, the applicant was a manager. On the basis of the advertisement so made, a number of investors have invested the huge money in the said society being attracted with the said scheme. Subsequently, office of the society was closed and the accused persons were not to be found. After lodging of FIR, case has been registered and investigation is pending.
6. As per the submission and the contents of the case diary, it appears that applicant had been employed by the said society to promote its business and applicant had been carrying out the orders and following the policy of the said society, which has resulted in commission of offence and loss to the investors. After

over all consideration, this Court finds it to be a fit case, where the applicant should be extended the benefit of anticipatory bail .

7. Accordingly, the anticipatory bail application is allowed. 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 him/her 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge