

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6474 of 2017**

Umashankar Shrivastava S/o Kartikram, Aged About 55 Years R/o Pavni,
Police Station Bilaigarh, District Baloda Bazaar Bhatapara
Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Bilaigarh, District Baloda
Bazaar Bhatapara Chhattisgarh.

---- Respondent

For the Applicant : Shri Bhaskar Payashi, Advocate.
For the Respondent/State : Shri Wasim Miyan, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****05.12.2017**

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 in connection with Crime No.287 of 2017, registered at Police Station Bilaigarh, District Baloda Bazar, Bhatapara, Chhattisgarh for the offences punishable under Section 420 of the Indian Penal Code and Section 3, 4 and 5 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978.

2. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in this case. The applicant is in jail since 01.09.2017. The applicant was simply employed as an agent of PACL Chit Fund Company. The applicant himself believed in these schemes floated by the company and he worked for getting investments from various

persons. The said investors have deposited the amount of which the applicant cannot be said to be a beneficiary. The applicant is aged about 55 years having serious condition of his health and he is a local resident. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that it was on the assurance and allurements of the applicant that the said investors have deposited huge amount with the said Chit Fund Company which has cheated the investors. Hence, it is prayed that the applicant does not deserve to be enlarged on bail.

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

5. Taking into consideration this admitted fact that the applicant had been simply working as an agent of the said company which has cheated the various investors of this area and the Directors and others responsible for floating the schemes etc are absconding. After due consideration, I am of the considered view that the applicant is a local resident whose availability can be assured by imposing some suitable conditions and the trial of the case is likely to take some time for its final disposal. On the basis of these reasons, the application is allowed.

6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

7. It is directed that the applicant shall be released on bail on 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge