

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7638 of 2016

- Manharan S/o Budharu Nishad Aged About 34 Years R/o Village Tarighat, Tahsil Patan, District Durg Chhattisgarh

---- Petitioner

Versus

- State of Chhattisgarh Through : Station House Officer, Police Station : Bhilai Nagar (As Per Challan) Tahsil & District Durg Chhattisgarh

---- Respondent

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MCRC No. 8043 of 2016

- Kishor Kumar Dubey S/o Rajesh Dubey Aged About 28 Years R/o Village - Banbaid, Thana Keregaon, Revenue And Civil District - Dhamtari Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through Officers-In-Charge, Police Station Bhilai Nagar Durg, District - Durg Chhattisgarh

---- Respondent

For Applicant in M.Cr.C.No: Mr. P.K. Patel, Advocate
7638 of 2016

For Applicant in M.Cr.C.No: Mr. Sanjeev Sahu Advocate
8043 of 2016

For Respondent/State : Mr. Sangarsh Pandey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

24-01-2017

1. Since both the bail applications arise out same Crime No.542 of 2016, they are heard analogously and are being disposed of by this common order.

2. These are first bail applications filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 14-9-2016 in connection with Crime No. 542 of 2016, registered at Police Station Bhilai Nagar, District Durg (CG) for the offence punishable under Sections 420 & 120-B of the IPC and Section 10 of the Chhattisgarh Protection of Interest of Depositors Act, 2005.
3. Case of the prosecution, in brief, is that a report was made by complainant Munnu Pooran Nishad that present applicants allured the complainant and other persons to deposit money in their account with assurance to return the same with high interest, however, when the maturity amount was due, the said company was closed and all the office bearers fled away. According to the prosecution, the said company was not authorised by Securities and Exchange of India (SEBI) & Reserve Bank of India to collect the amount for like nature and thereby the aforesaid offence has been committed.
4. Learned counsel appearing for the applicants would submit that the applicants were not beneficiaries, they were appointed as agents in Divyani Property Pvt. Ltd., and they have not taken policy decisions and they have only followed the instructions of the Director of the company. He would further submit that charge-sheet has been filed in this case, the applicants are in jail since 14-9-2016, therefore they may be enlarged on bail.

5. State counsel has filed its reply and does not dispute the fact that the applicants were working as agents in Divyani Property Pvt. Ltd.
6. I have heard learned counsel for the parties, perused the case diary and documents. Prima facie, the documents would show that the applicants were working as agents in the company.
7. Taking into consideration the facts and circumstances of the case and further considering the fact that the applicants were working as agents in the company and they have not taken any policy decision on behalf of the company and also the fact that charge-sheet in this case has been filed and the applicants are in jail since 14-9-2016, I am inclined to release the applicants on bail.
8. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed and it is directed that the 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/-
(Goutam Bhaduri)
Judge

Raju