

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7650 of 2016

- Durga Prasad S/o Harilal Sahu Aged About 30 Years R/o Kurud, Police Station Mandir Hasaod District Raipur, Chhattisgarh. (Age Of The Applicant Not Mention In The Impugned Order).

---- **Petitioner**

Versus

- State of Chhattisgarh Through Aarakshi Kendra, New Rajendra Nagar Raipur District Raipur, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Arvind Dubey, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

23-01-2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 31-08-2016 in connection with Crime No. 24 of 2016, registered at Police Station New Rajendra Nagar, Raipur, District Raipur (CG) for the offence punishable under Section 420 read with Section 34 of IPC and Section 10 of Prize and Chit Fund Act, 2005.
2. Case of the prosecution, in brief, is that a report was made by complainant Munnu Lal Dahria that present applicant along with others being Directors of B.N. Gold Real Estate & Allied Company allured the complainant 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. 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.

3. Learned counsel appearing for the applicant placing some relevant documents would submit that the applicant was not the Director of the company and the Directors are Sachin Damor, Guruvinder Singh, Bipin Singh Yadav, Vikram Singh, Baljit Sandhu, Sandeep Sondh, Anil Kumar Sharma and Vikas etc. He would further submit that the applicant was appointed as an employee in the company and he has not taken any policy decision in respect of the company. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 31-8-2016, therefore he may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail application.
5. I have heard learned counsel for the parties, perused the case diary and documents. Prima facie, the documents would show that the applicant was shown as Director of the said company in the sale deed whereas the documents of company affairs do not show that the applicant is one of the Directors of the said company.
6. Taking into consideration the facts and circumstances of the case and further considering the fact that the applicant was not Director

of the company and he has not taken any policy decision and also the fact that charge-sheet in this case has been filed and the applicant is in jail since 31-8-2016, this court is inclined to release the applicant on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju