

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7855 of 2016

Makhan Ratre, S/o. Baburam, age about 35 years, R/o. Tarpongi, P.S. - Nandghat, District – Bemetara (C.G.)

---- Applicant

Versus

The State of Chhattisgarh, Through : Police Station Incharge, P.S. - Nandghat, District – Bemetara (C.G.)

---- Respondent

For Applicant	:	Mr. Rudranath Mukharjee, Advocate
For Respondent	:	Mr. Sangharsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

10/01/2017

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 in connection with Crime No.320/2016, registered at Police Station- Nandghat, District – Bemetara (C.G.) for the offence punishable under Section 420/34 of Indian Penal Code.
2. Case of the prosecution in brief is that one Ramsanehi Baghel lodged a complaint alleging that he deposited an amount of Rs.57,500/- in B.N. Gold Real Estate Company, New Delhi and he was assured to return the money with double with high interest within a short period of time. However, the same was not paid and eventually the office of the company was closed and everybody fled away. It is alleged that the present applicant allured the complainant to deposit the money in the account of the company. The said circulation of money was without the permission of RBI or SEBI. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and he himself is a victim and he being

the agent on commission he discharged the work of agent. It is further submitted that charge-sheet in this case has been filed and no further investigation is required and the applicant is in jail since 10.08.2016. Therefore, the counsel prays that the applicant may be enlarged on bail.

4. Learned State counsel opposes the prayer for grant of bail, however, he do not dispute the fact that the applicant was working as an agent.
5. Considering the facts and circumstances of the case and the role played by the applicant which prima-facie shows that the applicant was an agent and was not involved in taking any policy decision of the company and further considering the fact that charge-sheet in this case has been filed and the applicant is in jail since 10.08.2016, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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.
8. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge