

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 8391 of 2016

Tarun Kumar Dey, S/o. Late Shri Mihir Dey, aged about 37 years. Presently R/o. H.No. H-1 Kelo Irrigation Colony, Lochan Nagar, Tahsil and District – Raigarh (C.G.).

Permanent R/o. Ambi, P.S. - Veliyabada, District – Pachimi Mednipur (West Bengal).

Note : The address of the applicant has not been mentioned in the cause title of the bail rejection order and hence the address mentioned as per the arrest memo.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station – Chakradhar Nagar, Raigarh (C.G.).

---- Respondent

For Applicant : Mr. Jitendra Shrivastava, Advocate

For Respondent : Mr. Sangharsh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16.01.2017

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.105/2016 registered at Police Station- Chakradhar Nagar, Raigarh, District – Raigarh (C.G.) for the offence punishable under Section 420, 409, 120-B/34 of the Indian Penal Code.
2. As per the prosecution case, one company named Tisha Agro Projects India Limited, wherein the applicant was in the helm of affairs as director has collected huge amount of Rs.77,28,040/- from the different people with an assurance to return the same with high interest, however, before the return was made, the company was closed and the maturity amount was not returned to the different person. Thereby the offence has been committed.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and the applicant was working as Manager of the company and the like nature in two cases under Crime No.35/2016 and Crime No. 124/2016, the applicant has been enlarged on bail on the ground that he was working as Manager and the nature of offence is one and same in the present case and as per document Annexure A/2, he was not a director of the company, therefore, he has not taken any policy decision on behalf of the company. Therefore, the counsel prays that the applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and perused the case diary and the reply of the State.
6. Perusal of the reply filed by the State would show that the documents filed for opening of the bank account, the applicant was shown as Director. The memorandum of association was also filed along with the reply. The applicant was holding considerable share of the company. Taking into the fact and the role played, the applicant appears to be one of the Director of the company along with others. Considering the gravity of the offence, the way the organized offence has been committed and different amount has been collected from the down trodden people, this Court is not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge