

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C. No. 212 of 2018**

Nilay Ganguly, S/o. Shri Tapan Ganguly, Aged About 36 Years, R/o. 138, A.C. Chaterji Vailane, Chandan Nagar, Hugly, Kolkata, West Bengal.

---- Applicant

**Versus**

State Of Chhattisgarh, Through : District Magistrate Gariyaband, Raipur, Chhattisgarh.

---- Respondent

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| For Applicant        | : Mr. Kishore Bhaduri, Advocate<br>Mr. Manish Thakur, Advocate |
| For State/respondent | : Mr. Anil S. Pandey, Govt. Advocate                           |

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****Order On Board****14/03/2018**

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.92/2017, registered at Police Station – Rajim, Gariyaband, for the offence punishable under Section 420, 409, 467, 468, 34 of the Indian Penal Code and Section 3, 5 of Prize Chits & Money Circulation Scheme Banning Act, 1978
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Applicant was simply employed as Field Officer in Infinite Real Com Limited and Multipride Estate for mere salary of Rs.6,000/-. He was neither the director nor the policy maker of the said company. He has simply worked according to the instructions and the directions issued to him. This applicant is not responsible for any of the collection and the deposit taken from the

various depositors of the area and neither he has received any amount to show that he was one of the beneficiaries, hence no case is made out against him. Therefore, the counsel prays that the applicant may be released on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the applicant was the area in-charge of Chhattisgarh. By number of witnesses, it is alleged that applicant is responsible for all the collection made in the area. It is estimated that Rs. 16 to 17 crores deposits have been made by the number of investors in this State expecting attractive returns but no returns were received by them. Therefore, no case is made out for grant of bail to this applicant.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, an enquiry was made by the Collector, Gariyaband on written complaint. It was found that the area chief Anupam Vishwas, of Infinity Real Com Limited and Pride Multi Estate Credit Cooperative Society Limited, through agents in the area propagated the scheme of the company inviting investment in the scheme of five years, 5.6 years and 10 years against the deposit made. A number of persons deposited in the scheme of the said company. But the maturity amount was not paid to any of the depositors. On the maturity of certificates. The company then winded up. It was further found in the enquiry that company has no authorization to take deposits and deposits schemes were legally banned. FIR was lodged, after investigation it was revealed that this applicant was employed as field

officer and was in-charge of this State of Chhattisgarh.

6. Considered the submissions made and the contents of the case diary. Looking to the role played by the applicant as employee of the company that he himself was not the beneficiary, charge-sheet in this case has been filed after completion of investigation and the applicant is in jail since 08.11.2017, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the concerned trial Court, for his appearance on each and every date as far as practicable.

Certified copy as per rules.

**Sd/-**  
**(Rajendra Chandra Singh Samant)**  
Judge