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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 752 of 2018**

Anupam Vishvas S/o Shri Hare Krishna Vishvas Aged About 44 Years R/o Village Simuliyapara, Post Chandpara, Bazar Gaighata North 24 Pargana, West Bengal., District : Pargana, West Bengal.

---- Applicant**Versus**

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

---- Respondent

For the Applicant : Shri Vikram Singh and Shri Shrikant Mishra, Advocates.

For the Respondent/State : Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****12.04.2018**

Heard.

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 of 2017, registered at Police Station – Rajim, Gariyaband, District – Gariyaband, Chhattisgarh for the offence punishable under Sections 420, 409, 467 and 468/ 34 of the Indian Penal Code and Sections 3 and 5 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978.

2. Learned counsel for the applicant submit that the applicant is in jail since 7.9.2017 and he has been falsely implicated in this case. After completion of investigation, the charge-sheet has been filed. The case is

triable by the Judicial Magistrate First Class and the applicant is ready to abide by all the conditions that may be imposed on him. No case is made out against the applicant, as the applicant has worked only in the capacity of agent of the Infinity Realcon Limited and Pride Multistate Credit Co-operative Society Limited. Neither he had any participation in policy making nor the schemes were formulated by him. Believing the schemes, he has only promoted the schemes, which cannot be regarded as an inducement given. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the applicant was the Chief agent of Rajim area and he had number of other agents who had worked under him and induced numerous persons to make deposits in the fraudulent schemes floated by the Company and thus, had been instrumental in the commission of offences of fraud, cheating and forgery etc. Hence, the applicant is not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. Complainant – Amandev Sahu made a written complaint, stating that the agents of the Infinity Real Com Limited and Pride Multi Estate Credit Co-operative Society Limited have induced the depositors of the area to make deposits with periodic deposit schemes of the Company promising attractive returns. On that inducement, depositors have invested huge amounts in the said schemes. After the maturity of the schemes, none of the depositors were repaid the maturity amount. The complaint was enquired into by the Collector, Gariyaband and on the basis of the report given, FIR

has been registered against this applicant and others. This applicant has been identified as a Chief agent of the area. It is not disputed that the Directors of the said Company and others have been arrayed as accused and some of them have been arrested. It is also not denied that as an agent in the said Company, he was not involved in the policy making or in-formulating the schemes. Similarly placed co-accused - Nilay Ganguly has been granted bail by this Court. After considering these facts, I am of the opinion that this applicant should also be granted regular bail.

6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

7. 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 surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge