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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 78 of 2018**

Shyamlal Kewlani S/o Late Shri Tikamlal Kelwani, Aged About 63 Years R/o Opposite Of Dr. Ajay Singh Clinic, Lakhe Nagar Chowk, Raipur Tehsil And District Raipur Chhattisgarh, District : Raipur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer Of The Police Station New Rajendra Nagar, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Kishore Bhaduri and Shri Pawan Kesharwani, Advocates.
For the Respondent/State	:	Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****14.11.2018**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.

2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No.142 of 2013 registered at police station New Rajendra Nagar, District Raipur, Chhattisgarh for the offence punishable under Sections 409, 420 and 120B of the Indian Penal Code, 1860 read with Sections 3 and 4 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1976.

3. It is submitted by counsel for the applicant that the applicant was simply one of the agent of H.B.N. Dairy and Allied Company Limited and he

is not one of the Policy Maker or Director of the Company. The applicant himself has made investment of Rs.1,30,000/- in the schemes of the Company. The SEBI has proceeded against the Company and on that basis, all the investors of the Company shall be refunded their investments in due course. This applicant was earlier benefited with grant of ad-interim anticipatory bail, he has not misused the liberty granted to him and he is ready to abide by all the conditions that may be imposed on him. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that this applicant as an agent of H.B.N. Dairy and Allied Company Limited has publicized and helped in the getting investments for the Company in provident schemes. The total investment from this State is about 65 crores which has been defalcated by the Company with the aid of this applicant and the others. Hence, no case is made out for grant of anticipatory bail to the applicant.

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

6. On 1.11.2015, alleging that the applicant and the other agents of the H.B.N. Dairy and Allied Company Limited induced the various investors of the area to make investments of the fraudulent schemes in the Company, which the Company never intended to refund, because of which, numerous persons who made investments in the Company, have lost their deposits for the reason that the company was not authorized by SEBI or RBI to take investments. Hence, this case.

7. Considered the entire material present in the case-diary. As it appears that this applicant was merely a field agent for the Company and he is not the person is benefited by the deposits in the fraudulent schemes for the said Company and also for the reason that the charge-sheet has been filed before the trial Court, I feel inclined to grant anticipatory bail to the applicant.

8. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the Officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions:

- '(i) that the applicant shall make himself available for interrogation before the Investigating Officer as and when required;
- (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge