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HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 242 of 2017**

- Mukund Ram Sinha S/o Late Shri Kishun Ram Sinha, Aged About 49 Years, Occupation Agriculturist and Commission Agent of PACL India Ltd. and Sai Prasad Properties Ltd., R/o Village Bhelwadeeh, Chaparia Colony, Ward 15, Abhanpur, Police Station Abhanpur, District Raipur Chhattisgarh , Chhattisgarh

---- Applicant**Versus**

- The State Of Chhattisgarh Through the Officer in charge of Police Station Gobara Navapara, District Raipur Chhattisgarh , Chhattisgarh

----Non-applicant

For Applicant : Shri Abhishek Sharma, Advocate.

For Non-applicant/State : Shri Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****18/01/2018**

1. Apprehending arrest in connection with Crime No.220/2016, registered at Police Station – Gobara Navapara, District Raipur, Chhattisgarh for offence punishable under Section 420 of the IPC and Section 10 of Chattisgarh Protection of Depositors Interest Act, 2005, the applicant has preferred this application for grant of anticipatory bail.

2. It is submitted by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated. It is not denied that the applicant was working as agent of PACL India Ltd. and Sai Prasad Properties Ltd. Believing in the schemes floated by the company, he has convinced the depositors to make deposit in the schemes. The applicant had no intention to cheat any of the investors. In another crime registered against this applicant he has been released on regular bail by coordinate Bench of this Court in MCRC No.384/2017 vide order dated 17-02-2017. It

is similar case and the applicant is willing to abide by all the conditions imposed on grant of anticipatory bail. Hence, it is prayed that the applicant may be benefited with grant of anticipatory bail.

3. Learned counsel for the non-applicant/State opposes the application and the submission made. It is submitted that the applicant had actively promoted the fake companies which were neither recognized by RBI nor by SEBI, knowingly and because of which various depositors of the area have suffered huge loss. It is submitted that no case is made out for grant of anticipatory bail.

4. I have heard the learned counsel for the parties and perused the case diary.

5. Complainant Nandram Sinha has lodged the FIR alleging in it that the applicant induced the complainant to make deposits in the schemes of the company. Being induced, he deposited huge amount in the various schemes of the company; later on the office of the company was closed and all the persons engaged in promoting the business of the company went in hiding and no returns were received by the complainant and other depositors, because of which, the case has been registered.

6. Considered on the submissions made and contents of the case diary.

7. The applicant had been an agent. It is not disputed that he is neither the policy maker, nor the founder of the said companies. Considering the evidence against him in the case diary and that he is local resident whose availability before the trial Court can be ensured by imposing conditions, I am of this view that the applicant deserves to be benefited with grant of anticipatory bail in the present matter.

8. Accordingly, the anticipatory bail application is allowed. 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 him/her 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.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge