

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7772 of 2017**

Chandulal Kesharwani, S/o. Khageshwar Kesharwani, Aged About 38 Years,
R/o. Village And Police Station -Chandarpur, District Janjgir Champa
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : The Station House Officer, Police Station
Kotwali, Ambikapur, District Sarguja Chhattisgarh.

---- Respondent

For Applicant	: Mr. Jitendra Shrivastava, Advocate
For Respondent/State	: Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**20/02/2018**

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.35/2016, registered at Police Station – Kotwali, Ambikapur, District – Sarguja (C.G.) for the offence punishable under Section 420 read with Section 34 of the Indian Penal Code and Section 5 & 6 of the Prize Chits and Money Circulation Schemes (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 Manager of the M/s. Tisha Agro Projects Indian Limited

and was working on the instructions and the directions of the directors of the said company. He himself has not induced any one to make any deposits in the scheme of the said company. Similarly placed co-accused person has been granted bail by the Coordinate Bench of this Court, applicant is in jail since 28.02.2016, he is local resident of District -Janjgir-Champa and he is ready and willing to abide by all the conditions imposed while enlarging him on bail. Hence, it is prayed that the applicant may be enlarged on regular 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 applicant was employed by Tisha Agro Project India Limited but was in-fact incharge for the whole State of Chhattisgarh and was instrumental in the commission of the offence of large scale, in which numerous depositors were cheated and defrauded by the said company. It is further submitted that applicant has two more criminal cases registered against him, hence, for this reason, he is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. Case of the prosecution in brief is that in capacity of Manager of M/s. Tisha Agro Projects India Limited, applicant and various agents of the said company induced the depositors of the area alluring them with promise of attractive returns for the deposit made and, they deposited in various scheme of the said company. Complainant Pappu Kumar Jaiswal deposited Rs.12.00 lakhs, whereas number of persons have also deposited in the said schemes and deposited amount was lost as

the company winded up and whereabouts of the manager and staff and others were not to be found, hence, this case.

6. Considered the submissions made and the contents of the case diary. Taking into consideration this fact that similarly placed co-accused Tarun Kumar Day in M.Cr.C. No.6354/2016 vide order dated 19.10.2016 and this applicant himself has been granted bail by the Coordinate Bench of this Court in similar other case by order dated 16.11.2016 in M.Cr.C. No.6223/2016, hence, looking to this facts and the position of this applicant in the said company, 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 surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge