

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.A No. 148 of 2018

1. Bhupendra Kumar Sahu S/o Shri Doman Singh Aged About 45 Years R/o
Village Kandul, Police Station Chakarbhatha, District Bilaspur Chhattisgarh,
District : Bilaspur, Chhattisgarh
2. Tameshwar Lal Sahu S/o Shri Vishram Sahu Aged About 52 Years R/o
Ganesh Nagar, Nayapara, Police Station Sirgitty, District Bilaspur
Chhattisgarh, District : Bilaspur, Chhattisgarh
3. Navin Kumar Sahu S/o Tameshwar Lal Sahu, Aged About 25 Years R/o
Ganesh Nagar, Nayapara, Police Station Sirgitty, District Bilaspur
Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Sirgitti,
District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh.

---- Respondent

For the Applicants : Shri O. P. Sahu, Advocate.

For the Respondent/State : Shri Anupam Dubey, GA.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

21.03.2018

1. Apprehending arrest in connection with Crime No.05/2018 registered at Police Station – Sirgitti, District – Bilaspur, (C.G.), for offences punishable under Section 420 read with Section 34 of the Indian Penal, the applicants have preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicants that applicants have been falsely implicated in this case. The applicants worked simply as agents in Anmol India Agro Herbal Dairy Company, Limited, The applicants are neither a Director nor a policy maker of the said company and believing in the policies and the schemes of the said company, they simply motivated the persons to make the investments and none of the amounts were collected by them. The applicants are not beneficiary of any of the amounts collected by them on behalf of the said company. The applicants are local resident of District – Bilaspur, and they are ready to abide by all the conditions which imposed upon them while grant temporary bail, hence, it is prayed that the applicants may be enlarged on anticipatory bail.
3. Learned counsel for the State opposes the bail application and submits that the applicants helped in promoting the schemes of the said company to allure the depositors to make deposit in the said company with promise to make attractive returns and they knowingly induced the various persons of the area that chit Funds Company is baned by RBI and SEBI, therefore, no case is made out for grant of anticipatory bail.

4. Heard counsel for both the parties and perused the case diary.
5. Complainant - (Ramsharan Sahu) filed a written complaint, that he was induced by these applicants to deposit his savings in schemes of Anmol India Agro Herbal Dairy Company, Limited, according to which the amount deposited was to be doubled in 06 years. The complainant deposited Rs.06 Lakhs in fixed deposit scheme and Rs. 04 lakhs in saving accounts. According to the promise made, the complainant was to receive an amount of Rs.4445.00/- as interest per-month on his savings account. Subsequent to April 2017, no interest was paid and neither the amount was returned to the complaint on his demand and the office of the said company was also closed. FIR has been lodged on the basis of this complaint. Hence, this case.
6. Considered on the submissions made and the contents of the case diary and looking to the facts that the present applicants were simply an employee of the said company, and not being a Director nor policy maker of said company, and further taking into consideration the material present in the case diary against these applicants, there seems to be no requirements of any custodial interrogation of these applicants for the purpose of any investigation pending. Hence, for these reasons, this Court is inclined to grant of anticipatory bail to the applicants.
7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offences, they shall be released on bail by the officer arresting on each of them executing a personal bond in sum of

Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :

- (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that the applicants 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 applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd /-

(Rajendra Chandra Singh Samant)

Judge

Jamal