

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 6857 of 2017**

- Niraj Goswami S/o Arjun Bharti Goswami, Aged About 46 Years, R/o Nearby Mahamaya Temple, Sakti, District Janjgir-Champa Chhattisgarh, Presently Residing At Vinoba Nagar, Boierdadar, Chakradhar Nagar, Raigarh, Tahsil And District Raigarh Chhattisgarh

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through District Magistrate Raigarh District Raigarh Chhattisgarh

**---- Non-applicant**

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For Applicant – Shri Anil Gulati, Advocate.

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

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

**Order on Board**

**11-01-2018**

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court by the applicant for regular bail. The applicant has been arrested on 26-04-2017 in connection with Crime No.22/2017 registered at P.S. Bhupdevpur, District Raigarh, C.G. for the offence under Section 420, 120-B, 294, 506-B, 409 read with Section 34 of the IPC and Section 6 and 10 of Chhattisgarh Ke Nirpechhko ke Hito ka sarankshan Adhiniyam.

2. It is submitted on behalf of the applicant that the applicant had been only an employee of MS Plus Gold Real Estate India Limited, working as Branch Manager in Raigarh. He has never influenced the complainant or others to make investment in the company. His work was limited to receiving deposits and giving out returns to the depositors through cheques issued by the company. No offence is made out against

the applicant on the basis of material in the prosecution case. The applicant is in jail since 26-04-2017. He is local resident of District Janjgir-Champa and ready to abide by all the conditions imposed on grant of bail. Hence, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submission made. It is submitted that a number of investors have been defrauded by MS Plus Gold Real Estate India Limited company by presenting schemes for deposit and alluring that the amount deposited will be doubled in five years and other schemes. The applicant as an employee of that company had been instrumental in commission of the offence, hence, he is not entitled for grant of bail.

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

5. Complainant Gandhiram Dansena has filed a written complaint alleging in it that agent of the company, Damarudhar Dansena, allured him with the schemes of the company and influenced him to sell out his agricultural land, for this reason, he sold out his land and deposited all the amount in the schemes of the said company. Later on, office of the company was closed and the responsible persons went in hiding. The applicant has been arrayed as accused for the reason that he had been Branch Manager of the said company.

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

7. As submitted by learned counsel for the applicant that co-accused Damrudhar Dansena has been granted bail by this Court in MCRC No.4351/2017 vide order dated 25-10-2017 and the applicant has also a similar case, therefore he is entitled for grant of bail, hence for this

reason, in the considered view of this Court, this application is also deserves to be allowed.

8. Consequently, the application (MCRC No.6857/2017) filed under Section 439 of the Cr.P.C. by the applicant is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-  
**(Rajendra Chandra Singh Samant)**  
**Judge**