

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1683 of 2018**

Bechu Kumar Gandharv S/o Mangal Singh Aged About 39 Years R/o-
Village- Kotmikhurd, Police Station- Pendra, Tehsil- Pendraroad, District-
Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Applicant**Versus**

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

---- Respondent

For the Applicant : Shri Mahesh Pandey, Advocate.
For the Respondent/State : Shri Anupam Dubey, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****30.04.2018**

Heard.

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.46 of 2017, registered at Police Station Pendra, District – Bilaspur, Chhattisgarh for the offence punishable under Sections 420 and 120-B of the Indian Penal Code, Section 10 of the Chhattisgarh Nikshepakon Ke Hiton Ka Sanrakshan Adhiniyam, 2005 and Sections 3, 4, 5 and 6 of the Chit Funds Act, 1982.

2. Learned counsel for the applicant submits that the applicant is in jail since 3.2.2018 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. The applicant had been employed simply as an

agent of P.A.C.L. India Limited, B.N. Gold and Global Company. He was not part of the deceit committed by the Company and he himself is one of the investors like other investors. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that being an agent he was the person who directly induced the investors to make deposits in a fraudulent manner which has caused loss to number of investors. Hence, no case is made out for grant of regular bail to the applicant.

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

5. According to the prosecution case, the applicant was an agent of the aforementioned companies and worked in promoting the schemes and deposit schemes of the company. Because of his inducement, the number of persons have deposited in various time-bound deposit schemes but none of the depositors could get back the refund, as the offices of the companies were closed and the staff and agents etc. went in hiding. Hence, the FIR was lodged.

6. Considered the entire material present in the case-diary. The applicant was neither Director nor a policy maker of the company. According to the documents attached, this applicant himself is one of the investors and has not got the refund on maturity. Hence, looking to the role played by him in this case, I am of the considered view that in this case the applicant deserves to be enlarged on 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge