

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRCA No. 279 of 2018**

- Asharam Jain S/o Harichand Jain Aged About 55 Years R/o Village Nara Tahsil And P.S. Kanker District North Bastar Kanker Chhattisgarh, District : Kanker, Chhattisgarh

---- Applicant

**Versus**

- State Of Chhattisgarh Through The P.S. Kanker District North Bastar Kanker Chhattisgarh, District : Kanker, Chhattisgarh

---- Respondent

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For Applicant : Mr. Praveen Dhurandhar on behalf of  
Mr. P.K. Tulsiyan, Advocate.  
For Respondent : Mr. Anil S. Pandey, Govt. Advocate.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**  
**Order On Board**

**22/06/2018**

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.40/2018 registered at Police Station- Kanker, District – North Bastar Kanker (C.G.), for the offence punishable under Section 420/34 of the Indian Penal Code.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. The allegation as made shows that in Agent Code No.1020009583, which is the code of one Leena Sinha, daughter of complainant, amount has been deposited and therefore it is clear that the deposits have been made at the instance of Leena Sinha and not at the instance of this applicant. Thus, a totally

false FIR has been lodged against this applicant stating that he gave inducement to the complainant to make deposit in the fraudulent schemes. Hence, it is prayed that applicant may be enlarged on anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that according to the complaint made by the complainant, the inducement was given by this applicant knowing well that the schemes are fraudulent and thus caused loss to the complainant because of which he is not entitled for grant of anticipatory bail.
4. Heard both the parties and perused the case diary.
5. Complainant Smt. Sushila Sinha gave a written complaint stating that she had received some compensation on account of death of her husband. Applicant who was working as agent of Anmol India Agro Company induced her constantly to invest the amount received in schemes of the company. On account of this inducement given, she made an investment of Rs.8 lakh in the various schemes of the Anmol Company. Later on, she came to know that the office has been closed and she has been cheated. FIR has been lodged and the investigation is in progress.
6. The ground for anticipatory bail raised by applicant is this that he was not the agent through whom the deposits have been made and this fact is confirmed from the bonds of deposit scheme which shows the code different from the code of this applicant i.e. AI000000164, which happens to be the code of the complainant's daughter. Hence, for this reason, I am of this view that this is a fit case where the applicant should be enlarged on anticipatory bail.

7. Accordingly, the anticipatory bail application is allowed and 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 his executing a personal bond in the 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 them by the said Court till disposal of the trial.

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