

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2032 of 2018

Chandulal Kesharwani S/o Khageshwar Kesharwani Aged About 38
Years R/o- Village Chandrapur, District- Janjgir-Champa, District :
Janjgir-Champa, Chhattisgarh --- **Petitioner**

Versus

State of Chhattisgarh through- Station House Officer, Police Station
Chakradhar Nagar, Raigarh, District : Raigarh, Chhattisgarh ---
Respondent

For the applicant	:	Mr. Ashok Kumar Soni, Advocate.
For the Respondent	:	Mr. Ashish Shukla, Dy.A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

29.06.2018

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 105 of 2016 registered at Police Station Chakradhar Nagar, Raigarh (C.G) for the offences punishable under Sections 420, 409, 120-B/34 of IPC and Sections 6 & 10 of the Chhattisgarh Rajya Ke Nikshepkon Ke Hito Ke Sanrakshan Adhiniyam, 2005 Awam Niyam 2015.
2. As per the prosecution case, the applicant was working in Disha Planet Realty Project Limited and Tisha Agro Project India Limited which opened the branch at Raigarh and collected huge money from the public at large with an allurements that the money will be returned with high rate of interest. Subsequently, the money was not returned to the depositors and the public at large was deceived. It is further submitted that the said circulation of money was made without any permission of the RBI or SEBI.

3. Learned counsel for the applicant submits that the applicant was merely working as an Agent and he has not held any key position to take policy decisions of the Company. He further submits that the charge sheet has been filed and the applicant is in jail since 20.07.2016, therefore, he may be enlarged on bail.
 4. Per contra, learned State Counsel opposes the bail application.
 5. Perused the reply filed by the State wherein prima facie it appears that the State has also confirmed the fact that the applicant was working as paid employee. Further it is corroborated by the list of Ministry of Corporate Affairs wherein the name of applicant has not been shown as a director.
 6. Considering the fact that the applicant was an employee/agent and has not participated in any policy decisions of the Company as also the fact that he is local resident and further taking into consideration that the charge sheet has been filed and the applicant is in jail since 20.07.2016, I am inclined to allow this bail application.
 7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.
- C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**