

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2180 of 2018**

Shailendraban Goshwami S/o Kedarban Goshwami Aged About 41 Years
 R/o- Village- Maraud, P.S.- Kurud, District- Dhamtari, Chhattisgarh, Present
 Address- Quarter No. 32, Fosh City, Duda, Police Station- Sejbahar,
 District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- Station House Officer, Police Station-
 Maudahapara, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Awadh Tripathi, Advocate.
 For the Respondent/State : Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****11.05.2018**

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.105 of 2017, registered at Police Station – Maudahapara, District Raipur, Chhattisgarh for the offence punishable under Sections 4, 5 and 6 of the Chit Fund and Prevention of Price Circulation Scheme Act and Sections 420, 409, 467, 468, 471 and 120B of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant is in jail since 16.2.2018 and has been falsely implicated in this case. This applicant was an employee in the G.N. Gold Company and he was not one of the

Directors or policy-makers of the Company. In a similar case, an offence has been registered against the applicant as Crime No. 284 of 2015 in Police Station City Kotwali, Dhamtari, District Dhamtari in which he has been granted bail by the Co-ordinate Bench of this Court in M.Cr.C. No. 6458 of 2016 vide order dated 3.11.2016. The applicant is ready to abide by all the conditions that may be imposed on him. 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 this applicant was the Managing Director of the G.N. Gold Group of Companies for Chhattisgarh Area and on his inducement complainant – Santosh Kumar Nishad became an agent of the Company and through him Rs.24,61,922/- was invested in the schemes but later on, the offices of the company were closed and all the Directors and responsible persons went in hiding because of which, the FIR was lodged. It is also submitted that all over Chhattisgarh 3,379 persons have invested in the Company to the tune of Rs.4,78,22,679/- and all the investors have been cheated by the Company. 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. The case against the applicant has been briefly discussed herein-above in the submissions made by the State counsel. As it appears from the perusal of the case-diary, this applicant had played a role in the capacity of an employee and neither he is responsible for the policies of the company

nor has formulated the schemes in which the depositors have made deposits. Apart from that, the applicant is a local resident of District Raipur and there shall be no difficulty in his availability during trial and the trial of the case is likely to take some time for its final disposal. Hence, the application deserves to be allowed.

6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

7. 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