

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2615 of 2018**

Saumitra Das S/o Ardhendhu Das Aged About 42 Years R/o-
 Ambi P.S.- Baliyabeda, District- Mednipur, (W.B.), District :
 Medinipur, West Bengal --- **Petitioner**

Versus

State of Chhattisgarh through- Station House Officer, P.S.-
 Chakardhar Nagar, Raigarh, District- Raigarh, Chhattisgarh.,
 District : Raigarh, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Sandeep Dubey, 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 first 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.
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 an employee of the Company and he has not held any key position to take major policy decisions on behalf of the Company as would be evident from the documents filed by the State. He further submits that he was not shown to be holding a key post in the Company though he was shown at some where to be operating on behalf of the Company but he was not the director and he was working merely as an employee. He further submits that the charge sheet has been filed and the applicant is in jail since 27.05.2016, therefore, he may be enlarged on bail.
4. Per contra, learned State Counsel vehemently opposes the same and submits that the applicant was working as a director and resident of the same are where the other directors reside. He submits that the applicant has taken policy decisions on behalf of the Company to allure and defraud the people, therefore, under the facts and circumstances, the applicant may not be enlarged on bail.
5. Perused the case diary and documents. A perusal of the documents would show that one document is placed on record wherein the applicant is shown as director in the customer identification of the Bank. But in the list of corporate affairs wherein the names of directors are shown the name of present applicant does not find place. The list of corporate affairs shows the names of Atanu Roy, Subrata Medda, Santasri Rana, Shiv Prasad Mal, Amar Kumar Nayek, Akhil Mal, Prabir Malik. Therefore, it appears that the present applicant has not taken any policy decisions on behalf of the

Company.

6. Considering the fact that the applicant has not taken any policy decisions on behalf of the Company as also the fact that the charge sheet has been filed and no further investigation is necessary and further looking to the period of custody of the applicant as he is stated to be in jail since 27.05.2016, 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**