

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 460 of 2018

- Jayendra Kumar Sahu S/o Shri Rameshwar Prasad Sahu, Aged About 44 Years, R/o Village Gagori, Post Bhinodi, Tahsil Bilaigarh, P.S. Sarsiwa, Dist. Balodabazar-Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through P.S. Sarsiwa, Dist. Baloda Bazar Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Non-applicant

For Applicant – Ms. Arpana Singh, Advocate.

For Non-applicant/State – Mr. Anupam Dubey, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

25-07-2018

1. Apprehending arrest in connection with Crime No.74/2018, registered at Police Station – Sarsiwa, District Balodabazar-Bhathapara, Chhattisgarh for offence punishable under Section 420, 34 of the IPC, and Section 3, 4, 5 of CGPDI Act & Section 10 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. This applicant has simply in the capacity of agent of the company believing in the schemes of the company tried to promote the same. He has not made any inducement to the investors with intent to cheat and neither he is recipient of the amount delivered by the investors. The applicant himself has made huge deposit in the schemes of the company which he has lost. Hence, it is prayed that the applicant may be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that a number of people have been cheated on account of the

inducement given by this applicant and other agents of the said company and the investors had believed these agents and made huge investment and they have lost the same completely, hence, this applicant is not entitled for grant of anticipatory bail.

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

5. Complainants Revati Devi Soni and Pramod Soni filed a written complaint alleging that on the inducement given by this applicant they have made investment in the scheme of Sai Prasad Limited Company regarding which monthly installments were also collected from the complainants. After payment of last installment when the complainants approached for the maturity amount, then they came to know that the company has winded up. Hence, the FIR has been lodged.

6. Considered on the material present in the case diary. This applicant was not the director, nor policy maker of the company, hence, contention of the State that the applicant having knowledge of the fraudulent scheme has given inducement is for consideration of the trial Court, but, for the present, I am of this opinion that this applicant should be benefited with grant of anticipatory bail.

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

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge