

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 764 of 2017

- Ashok Kumar Sahu S/o Harishankar Sahu Aged About 38 Years R/o Katarinar, Near Lalita Floor Mill, Police Station Bankimongra, District-Korba, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Tarbahar, Bilaspur, District- Billaspur, Chhattisgarh

---- Respondent

For Applicant : Mr. Manoj Paranjpe, Advocate.

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

04/01/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.83/2017 registered at Police Station-Tarbahar, District-Bilaspur (C.G.), for the offence punishable under Sections 420, 409 read with Section 34 of the Indian Penal Code (for short 'IPC') and Sections 3, 4, 5 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978 and Section 10 of Chhattisgarh Nikchhepko ke Hito Ka Sarankshan Adhiniyam, 2005.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. It is submitted that

applicant had simply been employed as an agent of B.N. Gold and B&G Company. Believing in the schemes and policies of the company, he has acted as an agent to canvas/campaign the schemes and policies. The deposits made by investors have been received by the company and in turn certificates were issued by the company to them. However, at the time of maturity the office of the company was closed and the responsible persons fled away, therefore, the complaint has been lodged. Applicant is not a beneficiary of any of the deposits so made by the investors rather he himself is one of the investors, who has invested huge amount in the company and has lost the same. Co-accused persons namely Rajkumar and Anand Nirmalkar having similar allegations have been granted regular bail by this Court. There is no requirement of arrest and detention of the applicant for the purpose of investigation, hence, it is prayed that applicant be enlarged on anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that anticipatory bail application bearing MCRC No.598/2017 of co-accused namely Pawan Patel has been rejected by the co-ordinate Bench of this Court. For this reason, applicant is also not entitled for grant of anticipatory bail.
4. Heard both the counsel and perused the case diary.
5. Complainant Vyas Narayan Yadav and others have lodged FIR against the applicant and others that on account of inducement given by applicant and others, huge investment was made by the complainant and others, who are the witnesses in this case. At the time of the maturity of the investment so made the office of the company was closed and the staff & agents of the company fled away. As per the

contents of FIR, applicant is one of the agents of the said company.

6. It is not disputed by the applicant that he had been employed as an agent. The contents of case diary do not disclose that the applicant is one of the beneficiaries of the amount invested by the investors.
7. Looking to the facts and circumstances of the case and taking into consideration of the fact that in similar cases co-accused persons have been benefited with grant of regular bail by the Co-ordinate Bench of this Court, therefore, this case cannot be singled out as a different case. Hence, taking into consideration these facts, the application deserves to be allowed.
8. 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.

(Rajendra Chandra Singh Samant)
Judge

Nisha