

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3193 of 2018**

Devesh @ Divesh Kumar Bajaj S/o Shri Rameshchandra Bajaj Aged
About 46 Years R/o M. /26, 2 Kishan Nagar, West Vihar, New Delhi,
Distt. West Delhi. **--- Petitioner**

Versus

State of Chhattisgarh through the Station House Officer, Police
Station Ratanpur, District Bilaspur Chhattisgarh. **--- Respondent**

For the applicant	:	Mr. Awadh Tripathi, Advocate.
For the Respondent	:	Mr. Ashish Shukla, Dy.A.G.

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****25.07.2018**

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. 110/2017 registered at Police Station Ratanpur, Distt. Bilaspur (C.G) for the offences punishable under Sections 420, 34 of IPC & sections 4, 5 & 6 of the C.G. Nikshepakon Ke Hito Ka Sanrakshan Act.
2. As per the prosecution case, a report was lodged by one Budhwariya Bai that she on the allurements of Company namely G.N.Gold and G.N. Dairy Limited invested the money with an assurance that it will be doubled within a short span of time. However, eventually the amount was not returned and all of a sudden the office of the Company at Ratanpur was closed. It is alleged that the said collection of deposits/circulation of money was made without sanction of the reserve bank of India or SEBI and thereby the offence has been committed.

3. Learned counsel for the applicant submits that the applicant being a Chartered Account was at the most responsible for auditing the Accounts of the Company and he was neither a director nor was at the helm of the affairs to frame the policies on behalf of the Company. It is further stated that the applicant has only advised in systematic finance and accounts matters being the auditor, however, his name has been falsely inculpated, and in fact no offence has been committed.
4. Per contra, learned State Counsel opposes the bail application. However, he do not dispute the fact that the present applicant was not the director or shareholder of the Company.
5. Considering the submission made and the fact that the charge sheet has been filed and the applicant is in jail since 27.01.2018 as also the fact that as per the arrest warrant, the applicant appears to be Chartered Accountant, he was not in the helm of affairs and has not participated in taking policy decisions on behalf of the Company, I am inclined to allow this bail application.
6. 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