

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 823 of 2018

- Koushal Prasad Sahu S/o Tuklal Sahu Aged About 32 Years R/o Village Bardulal, Police Station Kosir, Tehsil Sarangarh, District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Sarangarh, District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Respondent

For Applicant : Mr. Roop Naik, Advocate.
For Respondent/State : Mr. Anupam Dubey, Dy. Govt. Advcoate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

24/08/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.69/2018 registered at Police Station-Sarangarh, District – Raigarh(C.G.), for the offence punishable under Section 420 of the Indian Penal Code.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. The applicant worked only as an agent of M/s Sai Prasad Properties Limited and has received commission for the works done by him. He is not recipient of the amount that has been deposited with the company and he is also not a party to the policy making and bringing out the scheme for deposit,

hence, looking to the role played by him, it is prayed that he may be released on anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that applicant though an agent, has worked on ground level and on his inducement, the complainant has been cheated by the company. Hence, he is not entitled for grant of anticipatory bail.
4. Heard the parties and perused the case diary.
5. As the case is this, that complainant working as an agent of M/s Sai Prasad Properties Limited actively. The complainant was induced by the applicant to make deposits in the schemes promising attractive returns on maturity of the deposit amount. The complainant Shyambai Bareth deposited Rs.54,400/- with the company. After the maturity of the said deposit, it was found that the office of the company at Sarangarh was closed and this applicant has refused to return the amount. Hence, this case.
6. As it appears that the deposit has been received by the company and not by this applicant is undisputed and that this applicant was only agent of the company. Hence, I am of this view that this is a fit case where applicant should be released on anticipatory bail .
7. 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge