

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5181 of 2018

Samayuddin, S/o. Fakruddin, Aged About 38 Years, R/o. Village Ghadauli,
Mayur Bihar, Phase-3, New Delhi-11096.

---- Applicant

Versus

State Of Chhattisgarh, Through : The Station House Officer, Police Station
Bhilaibhitthi, District Durg Chhattisgarh.

---- Respondent

For Applicant	:	Mr. B.P. Singh, Advocate
For Respondent	:	Mr. Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

13/08/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.76/2017, registered at Police Station- Bhilaibhitthi, District – Durg (C.G.) for the offence punishable under Section 420, 34 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. Applicant is in jail since 18.03.2017. No case is made out against him according to the material present in the charge-sheet. The applicant is engaged as driver in Shridhar Insurance Booking Company, he has not participated in the commission of the offence. Similarly placed co-accused person namely Arvind Kumar Baghel has been enlarged on bail, hence, it is prayed that the applicant may be enlarged on bail.
3. On the other hand, the learned counsel appearing for the State opposes the bail application and the submission made in this respect.

4. I have heard the learned counsel for the parties and perused the documents placed on record. It is submitted that this applicant was provider of the bank accounts in which the deposits were received by inducement from which the applicant himself got share. Hence, he is not entitled for grant of bail.
5. The case against the applicant is this that the complainant Hem Narayan Pachori was induced through phone call made by officers of Shreedhar Insurance Booking Company to deposit amount for getting bonus of the insurance policy. After getting inducement, he made deposits in the accounts provided by him and in total Rs.1.00 Crore has been deposited in various accounts provided by the company by various other persons induced by the said officials of the Shreedhar Insurance Booking Company. The allegation against the main accused person is this that 50% of the amount was made use for the purpose and rest of the amount was misappropriated by them. The allegation against this applicant is this that he provided bank accounts to the main accused person in which deposits were received and then the applicant had got his share.
6. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the case diary, the applicant appears to be beneficiary, but he himself has not played any role in commission of offence and it does not appear that the applicant is the person who gave inducement to the complainant and others to make deposit, hence, after due consideration on all the facts and circumstances case and further considering the fact that the similarly co-accused person has been enlarged on bail by this Court, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge