HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 870 of 2018

- Satanand Kushwaha S/o Late Ganesh Prasad Kushwaha, Aged About 47 Years R/o Ward No. 17, Vrinda Nagar, Camp - 1, Bhilai, District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Bhilai Nagar, District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Rakesh Pandey, Advocate.
For Respondent/State	:	Mr. Anupam Dubey, Dy. Govt. Advocate.

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

28/08/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.543/2017 registered at Police Station-Bhilai Nagar, District – Durg(C.G.), for the offence punishable under Sections 420, 409, 34 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 had worked as an employee of Angela Agrotech Limited Company which is a company registered under the Companies Act. The applicant had no knowledge that the schemes of the company were fraudulent and he is

not a policy maker or party to the making of such schemes. Hence, it is prayed that he may be enlarged on anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that according to the memorandum statement given by co-accused Samir Keshari, this applicant has played an important role in carrying out of the fraudulent business of the company because of which the investors of this State have been cheated to the tune of Rs.5-6 crore, hence he is not entitled for grant of anticipatory bail.

4. Heard the parties and perused the case diary.

5. As alleged that this applicant being Dy. Manager/Director of the company styled as Angela Agrotech Company Ltd. and other agent of the company have induced various investors to make deposits in the fraudulent schemes by making false promise of repayment of maturity amount in short period of time. It is further alleged that after receiving about Rs.5-6 crore from different investors, the office of the company was closed and the persons concerned went in hiding as a result of which FIR has been lodged.

6. As it has been submitted by counsel for applicant that applicant himself is one of the investors who made investment in company and he too has lost his deposit. According to the documents produced on record by the applicant, this applicant is not a Director of the company. Though it is clear that he worked as an employee of the said company. For these reasons, 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

Nisha