

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 951 of 2018**

Shiv Kumar Rajak, S/o Shri Naval Saay Rajak, aged 45 years, Caste – Dhobi, R/o vil. Gangouti, Police Chouki Basdoi, P.S. Surajpur, District Surajpur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Surajpur, District : Surajpur, Chhattisgarh.

---- Respondent

For the Applicant : Ms. Arpana Singh, Advocate.
For the Respondent/State : Shri Anupam Dubey, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****06.09.2018**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 182 of 2016, registered at Police Station – Surajpur, District – Surajpur, Chhattisgarh for the offences punishable under Sections 420 and 120B of the Indian Penal Code and Sections 4, 5 and 6 of the Prize Chit Fund (Banning Scheme) Act, 1978.
3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. He had been just an agent of PACL India Limited and he was not the Director or in any manner connected with the

policy making of the Company. He himself believed in the schemes of the Company and thus, played a role as an employee of the Company which cannot be considered as an offence. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the applicant is responsible for the offence of cheating that had been committed in this case. Hence, he is not entitled for grant of anticipatory bail.

5. Heard counsel for both the parties and perused the case diary.

6. Complainant – Ranmat Bai has filed FIR in the year 2008. The applicant introduced himself as an agent of PACL India Limited and gave inducement that by depositing in the scheme of the Company, the company shall give three times returns. The complainant getting induced made a deposit of Rs.3,00,000/- but no amount was received by her after the maturity of the said schemes. Hence, this case.

7. Considering the material present in the case-diary, as it appears that the applicant is not one of the Directors of the said Company and he is not a party to the policy making for formulating and preparing the schemes, hence, I feel inclined to grant anticipatory bail to the applicant.

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

executing a personal bond in 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 them 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 him by the said Court till disposal of the trial.'

Sd/-
(Rajendra Chandra Singh Samant)
Judge