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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 416 of 2017**

1. Santuprasad Ram S/o Late Shri Lalo Ram, Aged About 55 Years R/o Dhourasand, Police Station Farsabahar, District Jashpur, Chhattisgarh.
2. Smt. Vedmati Bai W/o Shri Santuprasad Ram, aged about 50 years, R/o Dhourasand, police station Farsabahar, District Jashpur, Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Farsabahar, District Jashpur, Chhattisgarh, Chhattisgarh

---- Respondent

For the Applicants : Shri Manoj Chauhan, Advocate.
 For the Respondent/State : Shri Anupam Dubey, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****18.01.2018**

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 applicants who are apprehending arrest in connection with Crime No. 29 of 2017, registered at Police Station – Farsabahar, District – Jashpur, Chhattisgarh for the offence punishable under Section 420 read with Section 34 of the Indian Penal Code.

3. It is submitted by counsel for the applicants that the applicants are innocent and they have been falsely implicated in this case. It is further submitted that the applicants had been working as an agent of Vinayak Homes & Real Estate Company. The applicants have simply promoted the scheme of the company by convincing the complainant and other investors to make deposit of Rs.11,500/- for the purposes of better returns. The applicants had no knowledge that the company was fake and the applicants themselves have made investment in the said company. The applicants have played no role in cheating any of the investors or depositors. Hence, it is prayed that the applicants be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect.

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

6. The case is that the applicant, who was working as an agent in Vinayak Homes & Real Estate Company, convinced the complainant and other depositors to deposit Rs.11,500/- in a scheme in which the amount will be tripled in six years. After the deposit was made by the complainant, he came to know that the company was non-existent and forged because of which, the FIR was lodged.

7. Considering the submissions and the contents of the case-diary, taking into consideration the role of the applicants as they are not the direct

founders or the policy makers of the said company, I am of the considered view that the present is a fit case where the applicants should be benefited with grant of anticipatory bail.

8. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the Officer arresting them 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. They shall also abide by the following conditions:

- '(i) that the applicants shall make themselves available for interrogation before the Investigating Officer as and when required;
- (ii) that the applicants 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 applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants 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