

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 4539 of 2017**

Rajkumar Kose, S/o. Late Kheduram Kose, Aged About 48 Years, R/o. Village Khorpa, Ward No. 14, Nagar Panchayat Patan, District -Durg, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : Station House Officer, Police Station Gharghoda, District -Raigarh, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Awadh Tripathi, Advocate
For Respondent/State	: Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****03/01/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.61/2017, registered at Police Station – Gharghoda, District – Raigarh (C.G.) for the offence punishable under Section 420 of the Indian Penal Code and Section 6 & 10 of C.G. Nishepako Ke Hito Ka Sanrankshan Adhiniyam, 2005.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Applicant is neither a director nor beneficiary of the SUSK India Ltd. Company, the applicant was simply employed as an agent and believing in the schemes of the company, he has got that line by motivating the depositors of the area

to make deposits for attractive returns and thus, applicant himself has been cheated by fake policy of the company. Applicant is local resident, he is in jail since 27.03.2017, the trial of the case is likely to take sometime and he is ready to abide by all the conditions imposed for grant of bail, therefore, it is prayed that the applicant be benefited with grant of regular bail.

3. On the other hand, learned counsel for the State opposes the bail applications and the submissions made in this respect. It is submitted that as per the statement of the witnesses, applicant is a director of the said company, hence he himself has forwarded the schemes and taken deposits without any legal authority and is deliberately cheated the depositors, therefore, he is not entitled to be released on regular bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The case against the applicant is these that in the year 2012, in capacity of director of SUSK India Ltd. Company, he allured the various depositors including the complainant – Lal Babu Gupta, Rathram Paikra and others to make deposits in the company and obtained deposits certificate (bonds) for attractive returns. Thereafter, at the time of the maturity of the said certificate (bonds), the office of the applicant was closed and all the office bearers of the company run away, because of which, the FIR was lodged against him.
6. No specific investigation has been made about the Company SUSK India Ltd.. Counsel for the applicant has filed documents showing the registration of this company and the members of Board of Directors. Certified copy of the order dated 04.10.2017 of appropriate authority

(District Magistrate), District – Durg, has also produced according to which, the provisions under Section 7 (1) of Chhattisgarh Nishepako Ke Hito Ka Sanrankshan Adhiniyam, 2005 was initiated against SUSK India Com. Ltd., these documents do not show the name of the applicant as one of the directors.

7. Considering the contents of the case diary and the statement of the witnesses on record and further taking into consideration this fact that applicant is local residents and his appearance before the trial Court can be ensured by imposing suitable conditions and the trial of the case is likely to take sometimes for its conclusion, hence for these reasons, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. It is directed that applicant shall be released on bail on his furnishing a personal bond in the 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