

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 937 of 2017

- Abhimanyu Sao S/o Nohar Sao, Aged About 47 Years, R/o Village Bade Hardi, At Present Pussore, District Raigarh, Chhattisgarh., Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Pussore, District Raigarh, Chhattisgarh., Chhattisgarh

---- Non-applicant

For Applicant – Shri Sanjay Agrawal, Advocate.

For Non-applicant/State – Shri N.K.Mehta, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

01-02-2018

1. Apprehending arrest in connection with Crime No.92/2017, registered at Police Station – Pussore, District Raigarh, Chhattisgarh for offence punishable under Section 420 of the IPC and Section 4, 6 of the Chhattisgarh Protection of Depositors Interest Act, the applicant has preferred this application for grant of anticipatory bail.

2. It is submitted by the learned counsel for the applicant that the applicant was simply working as an agent of the PULSE India Limited and believing in the schemes of the company, he has in promotion of the business of the company asked the depositors to deposit in the various schemes. Complainants Smt. Sabya Sharma and Smt. Kasturi Panda made investments and after the failure of the company have lodged this complaint, have been refunded all the amount deposited by them by this applicant and in support of this fact they have filed affidavit. Hence, it is prayed that the applicant may be benefited with grant of anticipatory bail.

3. Learned counsel for the non-applicant/State opposes the application and the submission made. It is submitted, that there is clear statement of

witnesses against this applicant showing that he has committed the offence registered against him. Hence, he is not entitled for grant of anticipatory bail.

4. I have heard the learned counsel for the parties and perused the case diary.

5. As the case is, the applicant acting as an agent of the PULSE India company induced complainants Smt. Sabya Sharma and Smt. Kasturi Panda to deposit amount in the schemes of the company. Subsequent to that, when the complainants deposited amount in the year 2010 and could not receive any maturity amount, they have filed the complaint against the applicant and others.

6. Considered on the submissions made and contents of the case diary.

7. Taking into consideration all the material in the case diary against this applicant and this fact that the applicant has simply worked as an agent of the company, he is neither a director nor policy maker or perpetrator of any fraudulent scheme, I am of this view that the applicant deserve to be benefited with grant of anticipatory bail in the present matter.

8. Accordingly, the anticipatory bail application is allowed. 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 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 him by the said Court till disposal of the trial.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge