NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 8014 of 2017

Arun Kumar Tiwari Son Of Ramkumar Tiwari, Aged About 37 Years R/o Village Ajkund, Police Station- Dongargaon, District Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station- Bemetara, District Bemetara, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Anant Bajpai, Advocate.
For the Respondent/State	:	Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

ORDER

05.02.2018

Heard.

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. 334 of 2017, registered at Police Station Bemetara, District Bemetara, Chhattisgarh for the offence punishable under Section 420 of the Indian Penal Code, Sections 3 & 4 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978 and Section 10 of the Chhattisgarh Nikshepakon Ke Hiton Ka Sanrakshan Adhiniyam, 2005.

2. Learned counsel for the applicant submits that the applicant is in jail since 27.9.2017 and has been falsely implicated in this case. The applicant was employed as a Manager in the Dream Real Estate an Enterprise of Yash Group of Companies. He simply followed the instructions and directions of the Company and performed accordingly. The applicant had no role to play

in cheating the depositors and misappropriate the amount deposited by them and the amount received from the depositors was transferred to the company in which the applicant was not a beneficiary. It is further submitted that the applicant himself is one of the investors in the said Company and he himself is cheated due to winding up of the company. The applicant is ready to abide by all the conditions that may be imposed on him. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that a number of depositors have made a written complaint before the police alleging that Yash Group of Companies have made collection of more than Rs.100 crores by floating different schemes and have cheated the depositors. The applicant being an employee of the said company had been instrumental in the commission of offence. Hence, the applicant is not entitled for grant of bail.

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

5. Complainant – Umesh Kumar Tripathi filed a written complaint in P.S. Bemetara alleging that Yash Group of Companies has cheated various depositors after taking deposit in various schemes and issuing bonds in favour of the creditor. The company has winded up and their offices are closed. Hence, this case.

6. On perusal of the case diary, it is clear that the applicant is not one of the Directors of the said Company and he is only a salary paid employee of

the said Company. Taking into consideration these facts, I am of the considered view that the present is a fit case where the applicant should be benefited with grant of regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicants shall be released on bail on each of them 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 their appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi