

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 8234 of 2018**

Rahul Ray, S/o. Shri Ajay Shankar Ray, aged about 26 years, R/o. F/314,
Sector -36, Greater Noida, District – Gautam Buddh Nagar (UP)

---- Applicant

Versus

State Of Chhattisgarh, Through : District Magistrate, Durg, District Durg
(C.G.)

----- Respondent

For Applicant : Mr. K. Rohan, Advocate

For Respondent : Mr. Ashish Shukla, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**14/11/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.76/2017, registered at Police Station- Bhatti, District – Durg (C.G.) for the offence punishable under Section 420 read with Section 34 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. The applicant is in jail since 21.07.2017. No case is made out against the applicant according to the evidence present in the charge-sheet filed against him. The case against the applicant is triable by Judicial Magistrate First Class. Similarly placed co-accused persons have been enlarged on bail by this Court. Hence,

it is prayed that the applicant may also be enlarged on bail.

3. On the other hand, the learned counsel appearing for the State opposes the bail application and the submission made in this respect. It is submitted that it is a case of huge fraud, in which this applicant has played main role and the amount of defalcation is of about Rs.1.00 Crore. Hence, the application be rejected.
4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. The case against the applicant is this that phone calls were made by him on behalf of Shreedhar Insurance Company by which inducement were given to the complainant Hemnarayan Pachori to make deposit for getting bonus on the insurance policies. The complainant made deposit of about Rs.1.00 crore in various accounts provided to him and did not get any return for the same. Hence, he has lodged the FIR.
6. Considered on the submission made and the contents of the case diary. According to the memorandum statement given by this applicant, he was employed by the said insurance company and on the instructions of the employers, he was to make phone calls to the policy holders for making deposit.
7. Considering on the entire material present in the case diary, as it appears that this applicant had been employee of the said company, which has committed the fraud and that charge-sheet has already been filed and the applicant is in jail since 21.07.2017, 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 Cr.P.C. is allowed.

9. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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 tomorrow.

Sd/-
(Rajendra Chandra Singh Samant)
Judge