

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1521 of 2018**

Prakash Das Mangal Murti S/o Gokul Das Mangal Murti Aged About 24 Years R/o Village Pathora, Tahsil Lundra, District - Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Lundra, District - Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh.

---- Respondent

For the Applicant : Shri Jitendra Shrivastava, Advocate.
For the Respondent/State : Ms. Madhunisha Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****10.12.2018**

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 applicant who is apprehending arrest in connection with Crime No. 104 of 2017, registered at Police Station – Lundra, District – Surguja, Chhattisgarh for the offences punishable under Section 420/ 34 of the Indian Penal Code and Sections 5 & 6 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978.

3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. This applicant is not one of the Directors of the Idol India Corporation Company. He was simply employed as an agent

and believing in the policy of the company, he has worked according to the instructions given and he never had any intention to cheat any person. The father of the applicant himself has made an investment in the said scheme, which is now lost. Hence, it is prayed that this applicant may also be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the applicant is one of the accused who has been instrumental in the publishing and promoting the fraudulent schemes of the fraud company. Hence, no case is made out for grant of anticipatory bail to the applicant.

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

6. A complaint has been lodged against the applicant and two others that this applicant gave inducement to the complainants to make deposits in the fraudulent schemes of the company because of which, the complainants made a deposit of Rs.1,31,960/- in the year 2015 regarding which, bonds were issued promising the payment. Subsequent to that, the offices of the company were closed in the area because of which, this FIR has been lodged.

7. Considering the submissions and the contents of the case diary that this applicant was simply working as an agent of the company and he is not the policy maker or framer of the allegedly fraudulent schemes of the deposits and further, for the reason that he is the local resident of this State, I am of the opinion that this is a fit case for grant of anticipatory bail to the

applicant.

8. Accordingly, the anticipatory bail application is allowed and 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 them 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.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge