

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 331 of 2019

- Omeshwar Kumar Sahu, S/o Late Savat Ram Sahu Aged About 43 Years R/o Shanti Nagar, Kankalipara, Kanker, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station- Basantpur, District- Rajnandgaon, Chhattisgarh.,

---- Respondent

For Applicant : Mr. Raza Ali, Advocate.

For Respondent : Mr. I. Lakda, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

12/03/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.31/2019 registered at Police Station-Basantpur, District–Rajnandgaon(C.G.), for the offence punishable under Sections 420/34 of the Indian Penal Code and Section 10 of Chhattisgarh Nipekshako ke Hito ka Sanrakshan Adhiniyam.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. The applicant was simply working as an agent of N.D. Tradelink India Ltd. and he was neither formulator of the schemes or policy maker of the company. He had promoted the schemes of the company having faith in it and has not

given any inducement to any person or neither has received any benefit for the same, therefore, it is prayed that applicant be granted anticipatory bail.

3. Learned State Counsel opposes the bail application and the submissions made in this respect. It is submitted that because of the inducement in the fraudulent schemes of the company given by the applicant, the complainant has made the investment and lost it, therefore, the applicant is not entitled for grant of anticipatory bail.
4. Heard both the parties and perused the case diary.
5. According to the FIR lodged, this applicant had in capacity of agent of the company named as N.D. Tradelink India Ltd. Company induced the complainant Amarnath Yadav to make investments in the fraudulent schemes of the company. Getting induced, the complainant made the investment of Rs.42,300/- about 6 to 7 years prior to the date of lodging of FIR 28.1.2019. As the complainant could not get the maturity amount he has lodged this FIR.
6. Considered on all the material present in the case diary, I feel inclined to grant anticipatory bail to the applicant.
7. 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 his executing a personal bond in the 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha