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HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.(A) No. 729 of 2019

Arvind Minj S/o Late Iliyas Minj Aged About 35 Years R/o Village Farsakoni (Tangerpani) Police Station Kunkuri, District Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For the Applicant	:	Shri Manoj Chauhan, Advocate.
For the Respondent/State	:	Shri Devendra Pratap Singh, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

ORDER

25.07.2019

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. 143 of 2018, registered at Police Station – Sitapur, District Surguja, Chhattisgarh for the offence punishable under Section 420, 34 of the Indian Penal Code.

3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. The applicant himself made an investment in the Ahana Trading Company and getting benefits for the same that is why he

advised the complainant and others to make investments in the said Company. However, the company has failed to repay the amount to the complainant and others who have made investment and they have held the applicant responsible for their loss whereas, the applicant has not committed any offence. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect.

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

6. According to the prosecution case, this applicant and the other co-accused persons gave inducement to the complainant that on making investment in Ahana Trading Company returns will be made of 1% of the investment for 300 days. The complainant made an investment of Rs.10,00,000/- in total. He received returns of interest for a few days which was received in his account and thereafter, the payment of interest was stopped by the Company. When the complainant and others approached, the applicant and others kept the investors stalling and have not paid a single penny. Hence, this case.

7. Taking into consideration the fact that this applicant was not working as an agent in the Company, he himself is an investor in the Company and has seen the same fate of loss of his deposits and further on perusal of the case-diary, it appears that all the investments were made directly into the bank account of the same company, therefore, this applicant was neither

recipient of the amount nor beneficiary of the company. Hence, for these reasons, I feel inclined to grant 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. He 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 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

Nimmi