

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 786 of 2019**

Goverdhan Prasad Verma, S/o. Shri Kanhaiya Lal Verma, Aged About 44 Years, R/o. Murra, Dharsiva, Tahsil and District Raipur Chhattisgarh.

**----Applicant****Versus**

State Of Chhattisgarh, Through - Station House Office, Police Station - Sirgitti, District Bilaspur Chhattisgarh.

**---- Respondent**


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| For Applicant        | : Mr. Avinash Chand Sahu, Advocate |
| For Respondent/State | : Mr. Shubhash Yadav, Dy.G.A.      |

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****Order On Board****26/07/2019**

1. Apprehending arrest in connection with Crime No.59/2018, registered at Police Station – Sirgitti, District – Bilaspur (C.G.) for offence punishable under Section 420/34 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant regarding commission of offence as alleged. The applicant himself has been cheated in this case by the said M/s. Gold Key Infraventure Limited. The applicant had made an investment of Rs.3.00 lakhs in the scheme of the company apart from that he has no connection with the said company. However, without any consent of the applicant, he has been made a director of the said company, which he came to know when the applicant received a notice from the Registrar of Companies regarding non filing of return. The applicant then replied to the Registrar of

Companies that he is not a director of the said company and also made a complaint to the police on which no action was taken. The applicant has also filed a complaint against the persons on whose inducement, made investment in fraudulent scheme of the company. Therefore, the applicant is not at all connected the offence as alleged in this case. Therefore, it is prayed that the applicant may be granted anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that it is not denied that the applicant is present director of the company, which is styled as Gold Infraventure Company Limited and therefore, he is responsible for the losses caused to the persons, therefore, the application be rejected.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. Complainant Devi Prasad Suryawanshi has lodged FIR against the Gold Key Infraventure Limited making allegation that deposits were obtained in the fraudulent scheme of the said company and thereafter, the company office has been closed and the persons concerned have gone in hiding.
6. Considered the submissions made and the contents of the case diary. The name of this applicant has not appeared in the FIR lodged, though his name mentioned as one of director of the company. But the claim of the applicant is only to this extent that he is one of the investor and he never consented to become a director, but the circumstances under which he became a director are still under investigation, therefore, after over all consideration, this

Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.

7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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 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.

Certified copy as per rules.

**Sd/-**  
**(Rajendra Chandra Singh Samant)**  
Judge