

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 3774 of 2019

- Arun Vishwas @ Arun Vishwal (Wrongly Mention Arun Vishwas In the order) S/o M.K. Vishwal, Aged About 43 Years (wrongly Mention Arun Vishwas in the order) R/o Gandhi Nagar, Navrangpur, Odisha

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Police Station Nagarnaar, Chowki Bakawand, District Bastar, Chhattisgarh.

---- Respondent

For Applicant : Mr. Manish Nigam, Advocate.
For Respondent/State : Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

18/06/2019

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime no. 48/2018, registered at Police Station Nagarnaar, District Bastar (C.G.) for the offence punishable under Section 420, 406, 467, 468, 471 & 120 B of the IPC, Section 4, 5 & 6 of Chit Fund Act and Section 10 of C.G. Nishepako Ke Hitton Ka Sanrakshan Adhiniyam 2005 & 201 of the IPC.
2. In this case there are total 9 accused persons. As per prosecution story, there is one company namely 'Micro Finance Limited' registered at Bhubneshwar (Odisha). The company was promoted by three directors namely Durga Prashad Mishra,

Ashok Kumar Patnaik and Baikuntha Nath Patnaik. In order to expand business, the company opened various branches in India allegedly, the applicant is the Branch Manager of the said company at Bakawand, Bastar (C.G.). On 09.08.2015, a complaint has been lodged by one Damrudhar and some other investors of said company, wherein, it has been alleged that the agents of the said company allured them for good returns on the money invested by them, the complainants fell in greed and invested their money on the said company, thereafter, the company was closed and the invested money of the complainants was not returned by the said company. On the basis of said background, offence has been registered. During course of investigation, the applicant has been arrested on 11.02.2019 and since then he is custody.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that one separate case has also been registered by the CBI (Central Bureau of Investigation) against the said company and the CBI has seized its bank account. The applicant nor contacted the investors neither he allured them, he is only a worker of 'Micro Finance Limited Company' at Bakawand, Bastar (C.G.) and he is working as a Branch Manager in the said company, therefore, he is unable to refund the money of the complainants/investors. Prima facie, no offence can be made out against him, he is in custody since 11.02.2019, charge-sheet has already been filed and trial is likely to take some time. Therefore, the applicant may be released on bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.

5. I have heard learned Counsel for both the parties.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution, role played by the applicant and further considering the fact that he is in custody since 11-02-2019, charge-sheet has already been filed and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 25,000/- with one solvent surety for the like sum to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)

Judge