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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1648 of 2018**

Sushil Kumar Aary S/o Dr. Ramratan Patel Aged About 42 Years R/o Village-Patewa (Jogidipa), Police Station- Patewa, District- Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station- Patewa, District- Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh.

---- Respondent

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****02.01.2019**

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. 153 of 2018, registered at Police Station – Patewa, Mahasamund, District – Mahasamund, Chhattisgarh for the offences punishable under Section 420 read with Section 34 of the Indian Penal Code and Sections 3, 4, 5 and 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. It is not denied that this applicant was an

agent of B.N. Gold Company and he was not one of the Directors or policy-makers of the Company. He has worked bonafidely in promoting the schemes of the company hence, it cannot be said that he had any intention to cheat any of the investors. Hence, it is prayed that this applicant may 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 it was due to the inducement given by the applicant, the complainants have deposited the amount in the fraudulent schemes and were cheated. Hence, it is prayed that the applicant does not deserve to be enlarged on anticipatory bail.

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

6. FIR has been lodged by complainant – Chandrashekhar Dewangan that he was given inducement by the applicant to make deposits in the fraudulent schemes of the B.N. Gold Company because of which, he made deposits of Rs.1,80,000/-. When the bond of deposit got matured, the same was not refunded to him by the applicant and the Company. All the offices of the Company were closed by that time. Hence, this case.

7. Considering the entire material present in the case-diary, considering the fact that the applicant had played a role only as an agent of the Company and he himself is not the direct beneficiary of all the deposits made by the complainant. 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. 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