

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRCA No. 1067 of 2021**

- Sanjeet Sharma S/o Tarthram Sharma, aged about 29 years, R/o Flat No. 40, Penta Homes, VIP Road, Jirkapur, Chandigarh (Punjab)

-----Applicant**VERSUS**

- State of Chhattisgarh through: Police Station Gandhinagar, Ambikapur District Surguja, Chhattisgarh

-----Non-applicant

For Applicant	: Mr. Manoj Paranjpe, Advocate.
For Non-applicant- State	: Mr. B.P. Banjare, Dy. Govt. Adv.

Hon'ble Shri Parth Prateem Sahu, Judge**ORDER ON BOARD****16/09/2021**

1. Applicant has preferred this application under Section 438 of CrPC for grant of anticipatory bail as he apprehends his arrest in connection with Crime No. 278/2021 registered at Police Station Gandhinagar, Ambikapur, District- Surguja (C.G.) for the offence punishable under Section 420 r/w Section 34 of IPC.
2. As per case of prosecution, complainant received phone call on her mobile phone from Iconoio Tarrents Market Pvt. Ltd. stating that the said company asked her to come to his office they will provide her job. When she reached on the address given to her where she was asked to purchase Form for training which costed Rs. 200/-. After submission of Form she underwent training of four days along with other persons. After completion of training complainant and other persons were informed that investment to be made of Rs. 14,664/- with a return @ 8%, Rs. 39,080/- with a return @ 24% and Rs. 98,080/- with a return @ 39%. On the scheme provided by the company she deposited Rs. 25,000/- with one Anjali Ekka and thereafter deposited Rs. 14,080/- with one Lavkush Sharma but she was not provided any job instead some clothes were provided stating it to be valuing Rs. 34,000/- and further adding GST bill amount of Rs.

39,080/-. She asked to add four more persons and sell them the clothes for which she will receive commission. It is stated in the complaint that after sometime she realized the complainant was cheated along with other persons whose name is also mentioned therein and she asked for return of money deposited by her upon which accused person in the office has refused to return back the money. Thereafter, written complaint was lodged. Present applicant is one of the Director of the company against whom also the aforementioned crime is registered along with eight other persons.

3. Mr. Manoj Pranjpe, learned counsel for the applicant would submit that applicant is one of the Director of the Company and is engaged in the business of direct marketing of selling clothes. Complainant along with others was engaged in salesmen, on the sale of clothes salesmen were paid commission. The amount as stated to be deposited by complainant and some other persons have been refunded by the company, in turn complainant and other persons have executed affidavit stating therein that they have received amount deposited by them. Copy of affidavit of Sangeeta Rajwade dated 13.07.2021 is filed along with application at page 47 wherein she stated that she has received Rs. 40,000/-. Affidavits of other persons Hemlata Rajwade, Dinesh Rajwade, Bhanu Rajwade, Raja Rajwade, Satra Rajwade and others are also placed on record. He submits that other co-accused persons Raju Kushwaha, Arun Kumar and Vinay Kumar have been enlarged on bail in MCRC No. 6087/2021, MCRC No. 6296/2021 and MCRC No. 6521/2021 respectively. He further submits that as the grievance raised by complainant and others with regard to non-refund of money by the company, is satisfied, applicant be extended benefit under Section 438 of CrPC.
4. On the other hand, Mr. B.P. Banjare, learned State counsel opposes the submissions made by learned counsel for the applicant and submits that as the submission with regard to execution of affidavit, as per the information received by him, complainant Sangeeta Rajwade has executed the affidavit on 13.07.2021 stating that she has received back the money.
5. I have heard learned counsel for the respective parties.

6. Taking into consideration, the nature of allegations, facts of the case the submissions made by learned counsel for the respective parties, without commenting anything on merits of the case, I am inclined to allow the bail application.
7. Accordingly, application is allowed and it is directed that in the event of arrest of applicant in connection with the crime in question (278/2021), he shall be released on anticipatory 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 arresting Officer. Applicant shall also abide by the following conditions:
 - (i) that the applicant shall make himself available for interrogation before the Investigation 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/-
(Parth Prateem Sahu)
Judge