

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 6296 of 2017**

Dinesh Korram S/o Late Mayaram Korram, aged about 42 years R/o
Village Badepara Makari Khuna P.S. Kanker Revenue And Civil
District North Bastar Kanker Chhattisgarh

---- Applicant**Versus**

State of Chhattisgarh through the Police Station, Kanker, District
Kanker, Chhattisgarh

---- Respondent

For Applicant	:	Shri Pravin Kumar Tulsyan, Advocate
For Respondent/State	:	Shri D. R. Minj, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****30/11/2017**

This is the first bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who has been arrested in connection with Crime No. 124/2017 registered at Police Station Kanker, District Kanker (CG) for the offence punishable under Sections 420/34 of IPC and Sections 10, 6 of the "Chhattisgarh Nikshepako Ke Hito Ka Sanrakshan Adhiniyam 2005". The applicant is in jail since 31.05.2017.

2. The allegation against the present applicant is that he was working as an agent of Anmol India Agro Herbal Farming and Dairies Care Pvt. Ltd. Co. and is said to have collected huge amount of money from the villagers on the assurance of giving them higher return at a greater rate of interest. However, after collecting huge amount of money from the villagers, the owners of the Company are said to have closed their operation and also refused to provide the amount which was deposited with the Company. Subsequently, the Directors of the Company are said to have granted

cheques for the principle amount deposited to the customers but when the said cheques were presented in the Bank, except for one, three cheques got dishonoured on account of insufficient fund.

3. Counsel for the applicant submits that the applicant was an employee of the said Company and had only performed the duty of marketing and getting the collection of the company. He submits that the entire amount collected has been deposited in the account of the Company and there is no allegation of personal assurance given by the applicant as regards the refund of the entire amount nor had the applicant defrauded Company's amount in spite of collecting the same from the customers. Thus, prayed for the applicant to be released on bail.

4. State counsel, on the contrary, opposes the bail application on the ground that the allegation levelled against the applicant is serious in nature. He submits that it is a case where the poor ignorant villagers of the State of Chhattisgarh are being defrauded by conducting similar operations and that there is allegation of the applicant having gone to the customers' place and assured them for depositing the money. He submits that the amount has also been received by the present applicant which establishes his involvement. Thus, prayed for rejection of the bail application.

5. Considering the totality of the facts and circumstances of the case, particularly the period of custody undergone by the applicant and also taking note of the fact that from the statement of the customers it clearly reflects that though the amount was collected by the applicant but it was deposited in the Company's account and the cheques for repayment of the principle amount were issued directly by the Directors of the Company and not by the present applicant, this Court is of the opinion that prima facie, a strong case for grant of bail has been made out.

6. Accordingly, the application for grant of bail is allowed. It is directed

that the Applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.

Sd/-
(P. Sam Koshy)
JUDGE