

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2724 of 2017

- Dilharan Yadav S/o Late Lateelram Yadav Aged About 38 Years R/o Village- Kargikala, Police Station & Tahsil Kota, Civil & Revenue District- Bilaspur, Chhattisgarh

---- Applicant (In jail)

Versus

- State Of Chhattisgarh Through: Police Of Police Station- Kota, Tahsil- Kota, Civil& Revenue District- Bilaspur, Chhattisgarh

---- Respondent

For Applicant : Shri Ratnesh Kumar Agrawal,
Advocate
For Respondent/State : Shri Arun Sao, Deputy Advocate
General

Hon'ble Shri Justice Anil Kumar Shukla

Order on board

31.05.2017

1) This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 04.04.2017 in connection with Crime No.87 of 2017, registered at Police Station Kota, district Bilaspur (CG) for the offences punishable under Sections 420, 120B, 34 of the IPC and Sections 4, 5 and 6 of the Chhattisgarh Protection of Interest of Depositors Act, 2005.

2) Case of the prosecution, in brief, is that present applicant along with others collected money from the complainants in the name of GND India Private Company Limited and deposited the same in their accounts run by the said Company, alluring them to refund their amount with high

interest. However, later on, the said company was closed and it failed to refund the money to the depositors.

3) Learned counsel for the applicant submits that the applicant neither obtained any money from the complainants nor he was appointed as an employee in the company and he has not taken any policy decision in respect of the company. He would further submit that charge-sheet has already been filed in this case and the applicant is in jail since 04.04.2017. The other employee of the said Company, namely, Durga Prasad, s/o Harilal Sahu has already been granted bail by this Court in MCRC No. 7650 of 2016 on 23.01.2017. Therefore, the applicant may also be enlarged on bail.

4) Per contra, learned State counsel opposes the prayer for grant of bail to the applicant.

5) I have heard learned counsel for the parties and perused the case diary.

6) Taking into consideration the facts and circumstances of the case and further considering the fact that the applicant was merely working as an agent for the said Company and he has not taken any policy decisions of the Company; also considering the fact that other accused Durga Prasad has already been granted bail by this Court in MCRC No. 7650 of 2016 on 23.01.2017 and that charge-sheet in the instant case has been filed and the applicant is in jail since 04.04.2017, this Court is inclined to release the applicant on bail.

7) Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and 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 concerned trial Court for his appearance before the trial Court as and when directed.

Sd/-

(Anil Kumar Shukla)
Vacation Judge

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