

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4096 of 2015**

- Jaykrishna Mishra, son of Goucharan Mishra, aged about 45 years, resident of near B.T.I., Janjgir, Police Station-Janjgir, District Janjgir-Champa (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through: Station House Officer, Police Station – Janjgir, District – Janjgir-Champa (C.G.)

---- Non-applicant

For Applicant: Mr. Anup Majumdar, Advocate.
 For Respondent/State: Mr. Om P. Sahu, Dy. Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****01/09/2015**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 352/2015 registered at Police Station Janjgir, District Janjgir-Champa (C.G.) for the offence punishable under Section 420/34 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that applicant along with other co-accused persons obtained Rs.1,80,000/- from one Mahindra Sahu from 10.1.2014 to 31.12.2014 with a promise to return the said amount with interest of Rs. 45,000/-.

(3) Counsel for the applicant submits that applicant has not committed any offence and he has been falsely implicated in the

offence as he is not concerned with Pratishtha Group of Company and he has already resigned from the said Company on 23.12.2014 and the other co-accused persons have already been released on bail by the Court of Session and the seven Directors of the said Company are still absconding; and the applicant is in jail since 5.7.2014 and the charge sheet is yet to be filed but substantial investigation has already been made and, therefore, the applicant may be released on bail..

(4) On the other hand, counsel for the State would submit that present applicant being the Manager of the said Company has obtained money; and bail has been granted by the Court of Session to those co-accused persons, who are agent of the said Company and they have collected the amount from the customers/consumers and after collecting the money, they have given the same to the applicant, who was Manager of the Company at that time and, therefore, the applicant is not entitled to be released on bail.

(5) I have heard the counsel appearing for the parties and perused the case diary with utmost circumspection.

(6) Taking into consideration the facts & circumstances of the case; and the manner in which the huge amount has been obtained with a promise to return the same and the role of the present applicant in the offence in question; I am not inclined to release the applicant on bail. Thus, the bail application is rejected.

Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-

