

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4407 of 2015**

Vikas Chandak, S/o Shri Madan Lal Chandak, Aged about 35 years, R/o L.I.G. 36, Shankar Nagar, Raipur, District Raipur (C.G.)

---- Applicant**Versus**

State Of Chhattisgarh Through P.S. Gudhiyari, Raipur (C.G.)

---- Non-applicant

For Applicant:	Mr. Maneesh Sharma, Advocate.
For Non-applicant:	Mr. Ramakant Mishra, Dy. Advocate General.
For Objector:	Mr. P.P. Sahu, 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. 121/2013 registered at Police Station Gudhiyari, District Raipur for the offences punishable under Sections 408, 467, 468, 471 & 120-B of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that applicant in collusion with co-accused Chandrakant Verma misappropriated an amount of Rs. 36,74,483/- and thereby committed the aforesaid offences.

(3) Counsel for the applicant would submit that applicant has been falsely implicated in the offence in question as he has not committed any offence. He would further submit that there is delay of three years in making complaint; and in the last three years income tax return, sales tax return and audit have been made by the applicant but it was never complaint against the applicant and it is difficult to forge the cheques and even the applicant has not withdrawn any amount and he is not the beneficiary and as such, he is in jail since 12.05.2015 and, therefore, he may be released on bail.

(4) On the other hand, counsel for the State as well as counsel for the objector would submits that no forged cheque issued by the complainant but also got it deposited in the account of co-accused Chandrakant Verma and the applicant has withdrawn the said amount by threatening co-accused Chadrkant Verma. They would further submit that the said cheques were issued by one Dharam Das Meghani given to the applicant for depositing tax and other purpose and, as such, it is not a case for grant of bail to the applicant.

(5) I have heard counsel 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 applicant is said to have forged the cheques issued by the complainant and got it deposited in the account of co-accused Chandrakant Verma and further withdrawal of the said amount in collusion with co-accused Chandrakant Verma, 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/-