

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.3225 of 2015

Shahnawaj Khan, S/o Matluv Khan, aged about 35 years, R/o Nayi Sadak, Muradabad, Budhbazar Tahsil School, Police Station Nagfani, District Muradabad (U.P.), at present R/o Kugda Road, Ward No.19, Adarsh Nagar, Kumhari, District Durg (C.G.)

---- Applicant

Versus

State of Chhattisgarh, through the Station House Officer, Police Station Basantpur, District Rajnandgaon (C.G.)

---- Non-applicant

For Applicants:	Mr. Goutam Khetrapal, Advocate.
For Non-applicant:	Mr. Neeraj Jain, Govt. Advocate.
For Complainant/Objector:	Mr. Manoj Paranjpe, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

CAV Order

31/07/2015

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.40/2015 (Criminal Case No.888/2015 pending in the Court of Chief Judicial Magistrate, Rajnandgaon), registered at Police Station Basantpur, Distt. Rajnandgaon, for the offence punishable under Sections 406 and 408 of the IPC.
2. Case of the prosecution, in brief, is that the applicant being Supervisor of M/s. Dhanguru Road Carrier, Rajnandgaon, owned by Vikram Meghwani & Rahul Meghwani, misappropriated 605 tonnes of fertilizer which was the property of M/s. Coromandel International Limited and M/s. Indian Potash Limited and that amounts to Rs.1,01,02,050/-.
3. I have heard learned counsel for the parties and perused the case diary.

4. Learned counsel for the applicant submits that the applicant has not committed any offence, he has been falsely implicated in the case and FIR has been lodged by the present applicant against Rahul Meghwani & Vikram Meghwani for extorting him and depositing Rs.75 lakhs. Charge sheet has already been filed, no custodial interrogation of the applicant is required, the offence is triable by the Magistrate and no useful purpose will be served by detaining him in jail. The applicant is in jail since 8-2-2015. Learned counsel further submits that no officer from M/s. Coromandel International Limited and M/s. Indian Potash Limited has been examined in support of the alleged misappropriation. The agreement was executed on 24-12-2014 and FIR has been made on 6-2-2015 and thus, the FIR has been made in violation of the agreement.
5. On the other hand, learned State counsel opposes the application and submits that the applicant has misappropriated huge money held by the complainant Rs.1,01,02,050/- and only Rs.25,90,000/- has been returned. Looking to the fact that huge amount has been misappropriated, it is not a fit case for grant of bail to the applicant.
6. Learned counsel appearing for the objector / complainant also opposes the application and submits that when the misappropriation was found by objector Vikram Meghwani, it was promised by the applicant to deposit the entire amount and agreements were also executed, but the applicant only deposited Rs.25,90,000/- and did not deposit the remaining amount and as such, he has sold huge fertilizers to different persons on the back of the objector / complainant and obtained money, therefore, in his account, he was having more than Rs.80 lakhs which is unexplained, therefore, he should not be released on bail.
7. Taking into consideration the facts and circumstances of the case, nature and gravity of the offence and the manner in which the applicant has

misappropriated 605 tonnes of fertilizer amounting to Rs.1,01,02,050/-
deceiving the complainants, I do not consider it a fit case for grant of bail
to the applicant. The application is hereby rejected.

Sd/-
(Sanjay K. Agrawal)
Judge