

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7773 of 2015**

- Surendra Singh Arora, S/o Late Shri Avtar Singh, Aged about 29 yers, R/o Power House Road, T.P. Nagar Korba, Tehsil and District Korba (C.G.)

---- Applicant**Versus**

- The State Of Chhattisgarh Through Station House Officer of Police Station – Kotwali Korba, District Korba (C.G.)

---- Respondent

For Applicant:	Mr. Shailendra Dubey, Advocate.
For Respondent/State:	Mr. Dhiraj Kumar Wankhede, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****09/02/2016**

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. 377/2015 registered at Police Station Kotwali, Korba, District Korba for the offences punishable under Sections 420, 409 & 120 (b) of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that one Viram Murlidhar @ Ravi is Director of Wealth Creator & Ruchi Real Estate Company. The applicant worked as Branch Manager of

the said Company and one Sameer Agrawal also worked as Agent of the said Company. Applicant & Sameer Agrawal collected ₹ 19,00,000/- from the investors/depositors and deposited the same in the account of Wealth Creator & Ruchi Real Estate Company in order to return the same with 6% annual interest and when the amount was not returned, FIR was lodged against the applicant and thereby committed the aforesaid offences.

(3) Counsel for the applicant submits that entire amount of ₹ 19,00,000/- has been deposited by the applicant in the account of Wealth Creator & Ruchi Real Estate Company and sometime interest was also returned by the said Company to the investors; and the applicant has not embezzled any amount, he is only the employee of the said Company. He further submits that Director of the Company is mainly responsible for the above said offences and he is absconding; and another co-accused Sammer Agrawal, Agent of the Company was also enlarged on bail; and the applicant is in jail since 15.09.2015; charge sheet has already been filed and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State submits that the entire amount of ₹ 19,00,000/- was already deposited by the applicant in the account of Wealth Creator & Ruchi Real Estate Company.

(5) Taking into consideration the facts & circumstances of the case; role of the applicant in the offence in question; entire amount has been deposited by the applicant in the account of Wealth Creator & Ruchi Real Estate Company; and co-accused

Sammer Agrawal has already been enlarged on bail and main allegation of embezzlement is against the Director of the Wealth Creator & Ruchi Real Estate Company; further considering his pre trial detention and charge sheet has already been filed; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(6) Accused/applicant – **Surendra Singh Arora** is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-