

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.4655 of 2017**

- Manjeet Singh Sangwan S/o Late Shri Dharama Singh Sangwan, Aged About 65 Years R/o Kharmaan, Tahsil Bahadurgarh, District Jajhhar, Haryana.

---- Applicant

Versus

- State Of Chhattisgarh Through S.H.O., Thana Bhatapara City, Tahsil & District Baloda Bazar Bhatapara, Chhattisgarh.

---- Respondent

For Applicant	: Shri Neeraj Prahdan and Shri Rajan Kumar Prasad, Advocates
For Respondent/State	: Shri Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****16.8.2017**

Heard the matter finally.

2. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.08/2011 registered in Police Station Bhattapara City, Distt. Baloda Bazar-Bhattapara (CG) for the offence punishable under Sections 420/34 of the Indian Penal Code.

3. Learned counsel for the applicant submits that as per the arrest memo the applicant has been arrested on 12.6.2017. Initially the police has filed charge sheet against co-accused Sanjeev Gupta. In the said charge sheet, it is shown that police will file supplementary charge sheet under Section 173(8) CrPC

against present applicant and Virendra Rai after necessary investigation. Thereafter during the pendency of the charge sheet filed against co-accused Sanjeev Gupta, supplementary charge sheet has been filed against present applicant and Virendra Rai under Section 299 CrPc showing both of them as absconding. Thereafter on the basis of the production warrant issued by the trial Court the applicant was transferred from Tihar jail where he was detained in connection with some other criminal matter.

4. Learned counsel for the applicant would submit that as he is an outside counsel, he could not file additional documents i.e. judgment passed against co-accused Sanjeev Gupta and orders passed by different courts in relation with present applicant, hence, during the course of the day he will file all those documents along with list of documents.

5. As submitted, if the said documents along with list as required are filed, they be treated as part of the record.

6. Learned counsel for the applicant would further submit that though there are total eight cases registered against present applicant, he was granted bail in all the matters, for the present matter co-accused has already been acquitted as the trial Court finds no substance against the co-accused. Co-accused Virendra Rai has not preferred any MCRC, there is no material evidence in the supplementary charge sheet filed against the applicant that no money has been transferred in the name of the company belongs to the applicant. The prosecution has failed to demonstrate that

how much amount came into the account of present applicant. It is submitted that the applicant had cheated the complainant and many others, but there is no facts shown in the charge sheet that how the applicant cheated the persons concerned, the case against the applicant is based on the circumstantial evidence. The applicant was not in a position to repay the money to all the customers, as agreed, as the Police has seized the bank account of the applicant. The applicant is aged about 63 years, he is in custody for 8 months, charge sheet has been filed, he shall abide the terms and conditions imposed by this court, he will not influence the witness, hence, he may be granted bail.

7. Learned counsel for the State opposed the arguments advanced on behalf of the applicant and would submit that an amount of Rs.75 lakh has been deposited in the name of the company. The applicant is the main accused and cheque given to the customers were bounced. The police during investigation collected evidence and also recorded the evidence of Motilal, Ganesh Ram Sahu, Bhupendra Sahu and other material were also collected to show that many persons have invested money in the company of the applicant as they were told that within a year, the money deposited will be doubled, but the applicant did not return the money to the investors. Looking to the entire facts, the application for bail may be dismissed.

8. Perused the entire material.

9. Looking to the evidence collected and surfaces in the supplementary charge sheet, without commenting anything on its merits, I am not inclined to grant bail to the applicant.

10. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is hereby dismissed.

Sd/-

(Chandra Bhushan Bajpai)

JUDGE