

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6085 of 2017

- Arvind Kumar Baghel S/o Late Nathmal Lal Baghel Aged About 35 Years R/o Behind Police Station Ward No. 32, New Khurseepar Bhilai, Tehsil Patan, District Durg Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate District Durg Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Goutam Khetrapal and Mr. Avinash Chand Sahu, Advocates.
For Respondent/State	:	Mr. Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

17/11/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 76/2017, registered at Police Station- Bhilai Bhatthi, District – Durg(C.G.) for the offence punishable under Sections 420, 34 of the Indian Penal Code (for short 'IPC').
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. He is in jail since 28.06.2017. As per the contents of the FIR, the incident of defalcation and misappropriation started from 8.4.2014 and continued up till 13.6.2017. Applicant got employment in Shreedhar Insurance Booking company in May, 2016, hence, he could not be held responsible for the

offences committed on the earlier dates. There is no evidence against the applicant except his own memorandum statement, in which, he has admitted and stated that it was only on 2 occasions when he received the amount of premium from the complainant for issuance of Insurance policy and the amount was deposited into the account of the company by this applicant. The statement and allegation against him by the witnesses are vague. He has not been benefited by any of the act of misappropriation or defalcation. He is the local resident of District-Durg, hence, it is prayed that he may be enlarged on bail.

3. Learned State counsel opposes the prayer for grant of bail, however, he would submit, that memorandum statement of co-accused persons in this case clearly mentions the role of the applicant in helping out the commission of offence of cheating and misappropriation. It is further submitted that the investigation has been completed only in part. The rest of the investigation is going on against the other persons, who allegedly reside in Bombay and on the basis of their phone calls, the complainant was compelled to make deposits in the accounts mentioned by them. Some link of the applicant with accused persons of menu bar may be found in future, hence, prayed that the applicant is not entitled for grant of regular bail.
4. Heard both the parties and perused the case diary.
5. As per the complaint filed by complainant, he was induced by the phone calls made by some officer of Shreedhar Insurance Booking company to deposit amount for getting bonus on the insurance policy. On such inducement, complainant has deposited amount to the tune of Rs.1 crore in various account nos. promised to him. It is alleged in the complaint, that the agents of the company have deposited only 50%

with the company and the rest has been misappropriated by them. The allegation against the applicant is this that he was one of the facilitators.

6. Considering the submissions and the contents of the case diary, the only evidence against the applicant is only of the memorandum statement of the applicant himself and that of the co-accused persons. Looking to the contents of the case diary and the evidence that is proposed to be made the base of prosecution against the applicant, and also looking to this fact that he is the local resident of the locality whose availability before the trial Court shall not be compromised if he is enlarged on bail, hence, this appears to be a fit case where the applicant should be enlarged on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge