NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 8472 of 2016

1. Vipin Gupta, aged about 28 years, S/o. Shyamlal Gupta, R/o. Mangdapara, Ramsagarpara, Police Station – Maudahapara, Raipur, Tahsil and District – Raipur (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Station House Officer, Police Station – Golbazar, Raipur, District – Raipur (C.G.)

---- Respondent

For Applicant	:	Mr. D.R. Agrawal, Advocate with
		Mr. Dhirendra Mishra, Advocate
For Respondent/State	:	Mr. Sangharsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

04/01/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.102/2016, registered at Police Station – Golbazar, Raipur, District – Raipur (C.G.) for the offence punishable under Section 408, 420, 467, 468, 471 of Indian Penal Code.

2. Case of the prosecution, in brief, is that a report was made by one Suresh Agrawal, who is the Director of Sansar Buildcon Pvt. Ltd., wherein the applicant was working as an Accountant. It is alleged that the present applicant on the basis of forged bill deposited the different amount of payment and also deposited the cheques in the account of his relatives, thereafter, withdrew the same, consequently, misappropriated an amount of Rs.80.00 Lakhs to Rs.90.00 Lakhs.

Thereby committed the offence.

3. Learned counsel for the applicant would submit that in-fact the company Sansar Buildcon Pvt. Ltd was maintaining two parallel account for avoiding tax and on the instructions of the owner the money were deposited in relative's account and were withdrawn and the payment were made to the labourers and other suppliers. It is further submitted that it is improbable to accept that for two years, the owner/Director of the company would stood idle as mandatory audit are being carried out. It is further submitted that seizure of the bills were also made from the office itself which would go to show that the applicant has been falsely implicated in this case and all the cheques were signed by the director, which would show that the director himself has withdrew the amount, which can not be denied. Therefore, the counsel prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application and would submit that the applicant in the account of his relatives and other persons has deposited the amount, which would be evident from the statements of his relative and other persons, which are part of the charge-sheet, therefore, the applicant may not be released on bail.

5. I have heard learned counsel appearing for the parties.

6. Perused the case diary and the documents. Perusal of the charge-sheet would show that entire account books and bills have been seized. Perused the report, wherein it is stated that complainant has signed the blank cheques, thereafter, the applicant has withdrew the amount. The incident appears to exist over a period of time one and half years. Taking into the totality of the facts and circumstances of the

case, the nature of allegation and further taking into the fact that all evidence appears to be documentary in nature, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the 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 today.

Sd/-
(Goutam Bhaduri)
Judge

Balram