

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5175 of 2018**

1. Suman Jha, D/o Shri Kripanand Jha, aged about 29 years, R/o Village Malad, P.S. Sukoul District Sukoul, Civil & Revenue District Sukoul Bihar.
2. Nandan Jha, S/o Shri Naveen Jha, aged about 24 years, R/o Kishanpur, P.S. Sukoul, District Sukoul Bihar Civil & Revenue District Sukoul Bihar.

---- Applicants**Versus**

State of Chhattisgarh, through P.S. Pandri, Raipur (CG).

---- Non-applicant

For Applicants	: Mr. Ajay Mishra, Advocate
For Non-applicant	: Mr. Sangharsh Pandey, Dy.G.A.
For Objector	: Mr. Mateen Siddiqui, Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****11.09.2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court and no other bail application of them is pending before any other Court.
2. Perused the copy of charge-sheet provided by the counsel for the State in connection with Crime No.133/2018 registered in Police Station Pandri, Raipur for the offence punishable under Sections 420, 409/34 of IPC.
3. Case of the prosecution, in brief, is that Mohit Kumar Mathur is a Director of Sura Retail Company. One new branch of the said company was opened at Ranchi (Jharkhand). The applicants have been posted at Ranchi to manage the affairs of the said company. During from 15.10.2017 to 23.01.2018, Rs. 7,62,497/- have been transferred in the account of Applicant No.1-Suman Jha and Rs.12,87,326/- have been transferred in the account of Applicant No.2-Nandan Jha for use in the

development of the said company. In two different occasion, Rs.3,00,000/- and Rs. 1,45,000/- have also been given to the applicants for use in the said company. During the inspection, it was found that applicants along with some other persons have misappropriated the aforesaid amounts.

4. Counsel for the applicants argued that the applicants had used the alleged amount for the purpose of office expenses and there is a delay in lodging FIR for 1 ½ months. FIR was not lodged by Mohit Kumar Mathur, Director of the said company. Instead of that, FIR was lodged by Vivek Kumar Yadu, Accounts Manager of the said company. He further submitted that the applicants have not committed any offence and have been falsely implicated in the case and, therefore, they may be released on bail.
5. On the other hand, counsel for the State opposed the prayer for grant of bail to the applicants.
6. I have heard counsel appearing for the parties and perused the case diary with utmost circumspection.
7. The aforesaid circumstances raised by the counsel for the applicants are the subject matter of the evidence.
8. Looking to the above facts and circumstances of the case, looking to the alleged huge misappropriated amounts, looking to the seriousness of the offence and looking to the impact of granting bail to the applicants on society, this Court is not inclined to give benefit of Section 439 of the Cr.P.C. to the applicants.
9. Consequently, the bail application is rejected.
10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE