

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 913 of 2018

1. Mukesh Agrawal S/o Sitaram Agrawal Aged About 40 Years R/o- House No. 70, Jal Vihar Colony, Raipur, District- Raipur, Chhattisgarh, District : Raipur, Chhattisgarh
2. Ashish Agrawal S/o N.R. Agrawal Aged About 44 Years R/o- Baijnath Para, Court, Ward No. 39, Behind Mukund Bhavan, Durg, Police Station- Durg, Tahsil And District- Durg, Chhattisgarh., District : Durg, Chhattisgarh
3. Manish Jain S/o S.C. Jain Aged About 41 Years R/o- Baijnath Para, Court, Ward No. 39, Behind Mukund Bhavan, Durg, Police Station- Durg, Tahsil And District- Durg, Chhattisgarh., District : Durg, Chhattisgarh
4. Sanjay Agrawal S/o R.P. Agrawal Aged About 43 Years R/o- Baijnath Para, Court, Ward No. 39, Behind Mukund Bhavan, Durg, Police Station- Durg, Tahsil And District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Applicants

Versus

1. State Of Chhattisgarh Through- D.M., Durg, Chhattisgarh., District : Durg, Chhattisgarh
2. Sukumar Bhattacharya S/o Sunil Bhattacharya Aged About 41 Years R/o- Near Arya Samaj School, Gaya Nagar, Police Station- Kotwali, Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Respondents

For Applicants	:	Mr. Rajeev Shrivastava, Advocate.
For Respondent	:	Mr. Anupam Dubey, Dy. Govt. Advocate.
For Objector	:	Mr. B.P. Singh, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

25/09/2018

1. The applicants have preferred this bail application under Section 438 of Cr.P.C. apprehending their arrest in connection with Complaint Case No. 5941/2017 pending before the Court of Judicial Magistrate First Class for trial for the offence punishable under Section 420, 467, 468, 471, 120B & 384 of the Indian Penal Code (for short 'IPC').
2. Learned counsel for the applicants submits, that on the basis of the complaint filed by respondent No.2 & others, the trial Court had after completing the inquiry, taken cognizance against the applicants for trial in offence under Section 384, 34 of IPC. The applicants have moved application for grant of anticipatory bail before the concerned Sessions Court and the same was allowed. The complainant then preferred revision before the Court of Sessions Judge, which was allowed and it was directed that the applicants be tried for offences under Sections 420, 467, 468, 471 & 120B of IPC as well because of which the applicants are under apprehension that they will be arrested and placed in detention, hence, it is prayed that the applicants may be granted anticipatory bail.
3. Learned counsel for the respondent/State opposes the application and submissions made in this respect.
4. Adopting the arguments advanced by learned State Counsel, it is submitted by learned counsel for complainant that the applicants are the persons who have committed the offence of huge defalcation in the amount received in the account of college management by depositing the same into the accounts of their own family members and relatives and thus having misappropriated the same. Hence, the applicants are

not entitled for grant of anticipatory bail.

5. Heard the parties and perused the case diary.
6. Amongst the various allegations that have been made in the complaint case, it has been alleged by the complainant that applicants are involved in defalcating and embezzling the amount of the Apollo College and the complainant has made claims of Rs.21 lakhs from the applicants. On the basis of the inquiry made, the cognizance has been taken against the applicants in the complaint case.
7. Considered on the entire material present on record of the application, the same facts and statements on the basis of which the applicants earlier granted anticipatory bail by the Sessions Court, are the basis the order passed by the revision Court adding certain other offences for trial against the applicants. Hence, under these circumstances, I am of this view that this is a fit case where the applicants should be enlarged on anticipatory bail.
8. Accordingly, the anticipatory bail application of applicants is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on their executing a personal bond in the sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :
 - (i) that the applicants shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that the applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with

the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;

- (iii) that the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha