

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 6580 of 2018**

Chetrakant Baghel, S/o. Shri Gurudev Kumar Baghel, Aged About 32 Years,
R/o.- House No. 51, Arjun Valley, Saddu, Raipur, Tahsil and District- Raipur,
Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through- The Station House Officer, Police Station
Pandary, District- Raipur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. N.S. Dhurandhar, Advocate
For Respondent	:	Mr. Anil S. Pandey, Govt. Advocate
For Objector	:	Mr. Sanjay Agrawal, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****10/10/2018**

1. This is the second 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.198/2018, registered at Police Station- Pandary, District – Raipur (C.G.) for the offence punishable under Section 420, 409, 467, 468, 471/34 of the Indian Penal Code. The first bail application of the applicant was dismissed as withdrawn with liberty to revive the same after filing of the charge-sheet vide order dated 24.07.2018 in M.Cr.C. No.4718/2018.

2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. Applicant is in jail since 18.05.2018. No case is made out against him as the applicant wanted to leave the job with D.S. Construction Company because of which false allegation has been made against him and FIR has been lodged. The alleged cheques on the basis of which, the deposits were made in the account of company constituted by the applicant has not been seized. The prosecution has come up with totally improbable story. The present development is this that the charge-sheet has been filed in this case. Hence, it is prayed that the applicant may be enlarged on regular bail.
3. On the other hand, the learned counsel appearing for the State opposes the bail application and the submission made in this respect. It is submitted that it is a case of huge misappropriation and embezzlement of amount made by the applicant. Although, the charge-sheet is filed but the investigation is still going on and number of other persons are also getting involved. The audit report that has been made ground by the applicant have been found to be manipulated and in the subsequent investigation, cheques have also been seized. Hence, no case is made out for grant of regular bail.
4. Counsel for the objector adopting the arguments advanced on behalf of the State submits that this applicant has forged the signature of the partners of the firm D.S. Construction and made withdrawals from banks in between year 2013 to 2017-18 and total amount of Rs.1,07,12,046/- have been withdrawn. Hence, it is case of huge defalcation. Hence, the applicant is not entitled to be released on bail.
5. In reply, learned counsel for the applicant submits that all the offences registered against the applicant in this case are triable by Judicial

Magistrate First Class and there is no report of handwriting expert. Further the audit report has also given the applicant clean chit, therefore, it is prayed that the application for grant of regular bail be allowed.

6. I have heard the learned counsel for the parties and perused the documents placed on record.
7. The case against the applicant is this that the applicant was a employee in D.S. Construction Company. The applicant constituted a company styled as Atharva Construction Company in the name of his wife and thereafter siphoned amount of Rs.35.00 lakhs and more into the account of this company from the account of D.S. Construction company through forged cheques purported to be signed by the partners of the said company. Hence, this case.
8. Considered the submissions made and the contents of the case diary. As per the submissions made, the investigation in this case is still going on and there may be further revelations in case supplementary charge-sheet is filed, hence for this reason, this Court is of the opinion that present is not a fit case, in which, the applicant should be enlarged on regular bail.
9. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge