

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7986 of 2017**

Manjeet Singh Sangwan S/o Late Shri Dharma Singh Sangwan, Aged About 65 Years R/o Kharmaan Tehsil Bahadurgarh, District Jajhhar Haryana.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Bhatapara City, District Baloda Bazar Bhatapara Chhattisgarh.

---- Respondent

For the Applicant	:	Ms. Sharmila Singhai, Advocate.
For the Respondent/State	:	Shri Anupam Dubey, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****02.02.2018**

Heard.

1. This is the third 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. 08 of 2011, registered at Police Station Bhatapara, District Baloda Bazar Bhatapara, Chhattisgarh for the offence punishable under Section 420/ 34 of the Indian Penal Code.
2. The first bail application filed by the applicant in M.Cr.C. No. 4655 of 2017 has been rejected on merits by the Co-ordinate Bench of this Court on 16.8.2017 and the second bail application filed by the applicant in M.Cr.C. No. 6789 of 2017 has been dismissed as withdrawn 3.11.2017.
3. Learned counsel for the applicant submits that the applicant is in jail since 12.06.2017 and has been falsely implicated in this case. No case is

made out against the applicant on the basis of the material placed before the Court by the prosecution. The applicant was a sleeping partner of the Company M/s. Criston Dior Shoppee and he has never induced any person to make investment in the said Company. Co-accused – Sanjeev Gupta who has been prosecuted in this case has already been acquitted by the trial Court. The applicant is aged about 65 years and he is suffering from old-age ailments. Apart from that, the material witnesses have also been examined and a compromise has been arrived at between the applicant and the complainant in this case. It is further submitted that in all 8 cases that have been registered against the applicant and except this case, the applicant is on bail in the rest of the cases. Hence, it is prayed that the applicant be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that according to the prosecution case, 9 persons have made their investments and the applicant refunded the amount only to three of them, hence, it cannot be said that the compromise has been arrived at completely in this case. It is further submitted that the allegation against the applicant and the co-accused persons is about misappropriating a total amount of Rs.75,00,000/- approximately and as such, the offence committed by the applicant is of huge magnitude. Hence, the applicant is not entitled for grant of bail.

5. Heard counsel for both the parties and perused the case diary.

6. The first bail application of the applicant has been decided on merits. The submissions made by counsel for the applicant in this application that the applicant is on bail in the rest of the cases registered against him, has been considered in the previous order, hence, this point needs no reconsideration. Similarly, the other grounds mentioned in the arguments also have been given consideration in the first order refusing the bail of the applicant. Learned counsel for the applicant has placed reliance on the judgment of the Supreme Court in the case of **Manoranjana Singh alias Gupta vs. Central Bureau of Investigation** reported in **(2017) 5 SCC 218**, in which it is specifically mentioned that the order would not operate as precedent and the facts and circumstances of this case are different. The only development is that the applicant has compromised with some of the complainants by itself does not make sufficient ground for grant of bail. The crime committed is of huge magnitude and has been a cause of loss of huge number of small investors who have not come forward to make a complaint against this applicant. The submission of counsel for the applicant is that the applicant shall refund the payments to the remaining complainants is going to help only few of the investors who have come forward. Hence, for these reasons, I am not inclined to grant bail to the applicant.

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

Sd/-

(Rajendra Chandra Singh Samant)
Judge