

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1960 of 2019

- Atul Kumar Shrivastava, S/o Shri J.N.L. Shrivastava, Aged About 48 Years, R/o Super Estate Colony, Mahaveer Nagar, Math Purena, District-Raipur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through The Station House Officer, Police Station-Ganj, Raipur Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Atanu Ghosh, Advocate.
For Respondent/State	:	Mr. Devendra Pratap Singh, Dy. Adv. Govt.

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

05/07/2019

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.322/2018 registered at Police Station–Ganj, District–Raipur(C.G.) for the offence punishable under Sections 420 & 408 of the Indian Penal Code.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out against this applicant. The applicant is in jail since 28.10.2019. No offence has been committed by him. All the transactions that have been made from the account of Hotel Babylon Inn were towards the payment of commodities to the respective parties which are **alleged** as fraudulent transfers done by this applicant. Thus, there is no substance

in the allegation levelled against this applicant. Hence, it is prayed that he may be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that as per documentary evidence available in this case, this applicant has siphoned off money from the account of Hotel Babylon Inn to different existing and non-existing firms, therefore, he is not entitled for grant of regular bail.
4. Heard both the parties and perused the case diary.
5. FIR has been lodged by the management of Hotel Babylon Inn that this applicant who had been employed as accountant in Hotel Babylon Inn during the period of transaction from 1.12.2015 to 17.9.2018 had committed breach of trust by transferring amounts to his own account and account of his acquaintance in a dishonest manner to cheat the complainant company. The total amount that has been transferred and misappropriated is about 60 lakhs. Hence, this case.
6. After considering entire material present in the case diary, I do not feel incline to allow the application of this applicant.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge