

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3244 of 2019**

Vikas Vijayvargiya S/o Shri Krishna Vijayvargiya Aged About 45 Years R/o House No. D-203, Abhilasha Colony, Police Station Nagjhiri, Ujjain, Madhya Pradesh., District : Ujjain, Madhya Pradesh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Saraswati Nagar, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Shashank Thakur, Advocate.
For the Respondent/State : Shri Subhash Yadav, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****16.07.2019**

Heard.

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.107 of 2016, registered at Police Station – Saraswati Nagar, Raipur, District – Raipur, Chhattisgarh for the offence punishable under Sections 420, 409 and 120B, 34 of the Indian Penal Code and Section 10 of the Chhattisgarh Protection of Depositors Act, 2015.

2. Learned counsel for the applicant submits that the applicant is in jail since 20.2.2019 and has been falsely implicated in this case. The

prosecution has wrongly projected the applicant as Director of Arogya India Multi State Credit Cooperative Society Limited, New Delhi whereas, he had been an employee of the said company. Copy of his appointment order has been attached as Annexure-A/3 alongwith the salary slips and account details of the company which shows transfer of salary in his favour at regular intervals, therefore, he is not a policy maker or formulator of the alleged forged schemes. Hence, for these reasons, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the complainant and the other witnesses have very clearly stated that the applicant was Vice Chairman of the Society. Copy of communication sent to Central Registrar, New Delhi by society on 1.10.2015 very clearly mentions that this applicant is one of the Directors of the said society. It is a case of huge fraud and a number of persons are aggrieved. Hence, the applicant is not entitled for grant of regular bail.

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

5. The case of the prosecution is that Manveer Singh Chauhan, this applicant and Director – Abhishek Singh Chauhan opened one office in Raipur of their society. Inducements were given to the complainant and various other persons to make deposits in the fraudulent schemes of the said society. After collection of about Rs.55,00,000/-, the applicant and his associates closed their office in Raipur and went in hiding. Persons who

were employed in their office were also not paid their salary. Hence, the FIR has been lodged.

6. After considering the entire material present in the case-diary, I am of this view that there are grounds in defence available in favour of the applicant to establish that he was an employee of the company. There is no communication collected from the Central Registrar, New Delhi that the applicant was one of the Directors of the said Company. Hence, for these reasons, I feel inclined to grant bail to the applicant in this case.

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

8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge