

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4171 of 2019**

- Pushpak D. Sarwate S/o Dinesh Vaman Sarwate, Aged About 27 Years R/o -51, D Saheb Township Retnaka Jabalpur, Madhya Pradesh.

---- Applicant**Versus**

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

---- Respondent

For Applicant	: Shri Prafull Bharat and Shri Navin Shukla, Advocates.
For Objector	: Shri J.K. Gupta, Advocate.
For Respondent/State	: Shri Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**19/08/2019**

1. The Applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 102/2019 registered at Police Station - Amanaka, Raipur, District – Raipur, Chhattisgarh, for the offence punishable under Sections 406 and 420 of IPC.
2. As per the prosecution story, Complainant of the case namely Subodh Singhaniya is a director of Singhaniya Buildcon Pvt. Ltd. He filed a written complaint against the present Applicant alleging therein that present Applicant was Recovery Officer (Finance) in the said Company and used to discharge the financial work of the Company. It is alleged that accused worked properly till September, 2017 but in October, 2017, Applicant received the amount from the purchasers, tenants on behalf of the Company and instead of depositing the amount to the Company, he misappropriated the approximate amount of Rs. 31,40,000/- for his personal use. On the basis of the above

background, offence has been registered against the Applicant and he has been taken into custody on 24.05.2019.

3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He further submits that from the evidence collected by the prosecution, *prima facie*, no case under Section 420 of IPC can be made out against the present Applicant. If the entire case of prosecution is taken as it is, it only establishes that present Applicant has not returned the Company's money. It is further submitted that the entire case is of civil nature and for recovery of the amount, a civil suit has been filed. Applicant has no previous antecedent, he is in custody since 24.05.2019, charge-sheet has been filed and trial is likely to take some time. Therefore, he may be released on bail.
4. Per contra, learned Counsel appearing on behalf of the State and Objector oppose the bail application.
5. I have heard learned Counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that Applicant is in custody since 24.05.2019, charge-sheet has been filed and trial is likely to take some time, without further commenting on others merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on executing a personal bond for a sum of Rs. 50,000/- with one solvent surety for the like amount to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge