

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7148 of 2019**

- Rajat Surana, S/o Ajay Surana, aged about 28 years, R/o Jawahar Chowk, Durg, Tahsil and District Durg (C.G.)

Present Address : Shivpara, Durg, Tahsil and District Durg (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Police Station, Supela, District Durg (C.G.)

---- Respondent

For Applicant	:	Shri Anand Shukla, Advocate.
For Respondent	:	Shri Sameer Sharma, Dy. G.A.
For Objector	:	Shri Prafull N. Bharat, Advocate with Shri Avinash Chand Sahu, Advocate.

Hon'ble Smt Justice Rajani Dubey**Order on Board****15/11/2019**

1. With the consent of the parties, the matter is heard finally.
2. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.627/2019, registered at Police Station – Supela, District Durg (C.G.) for the offence punishable under Sections 469, 420 and 201 IPC and Section 66C of the Information and Technology Act.
3. The prosecution story, in brief, is that complainant namely Suresh Kothari lodged a written report alleging therein that in the month of August, 2017, Sanjai Jain along with Anjay Surana hatched a conspiracy and appointed Ajay Surana's son Rajat Surana as Director and pressurized the complainant for resignation. Further case is that on 25.12.2018, when he

was browsing company's website, he could not find his name as a Director in the website. Thereafter, the complainant came to know that without knowledge of the complainant, the present applicant, on the basis of forged and fabricated documents, uploaded Form No.DIR 11 notice for resignation of complainant as Director and filed Form No. DIR 12 for resignation of complainant using digital signature of present applicant, to the Registrar of Company and committed breach of trust. Based on this, offence has been registered. The present applicant has been taken into custody on 21.10.2019.

4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the instant case falls within the ambit of Company Act and not under IPC. He also submits that it is the dispute between the Directors and Company for which the remedy is available under the Companies Act, 2013. He also submits that the nature of allegations however have been made out but there is nothing on record to support the same. It is next submitted that the applicant is in custody since 21.10.2019, all the sections except section 201 are triable by Magistrate and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.
5. On the other hand, learned State counsel opposes the bail application. He submits that investigation in the matter has not been completed and, prima-facie offence under Sections 467, 468 and 471 IPC also appears against the applicant.
6. Shri Prafull N. Bharat, learned counsel for objector vehemently opposed the bail application and submits that the complainant has maximum shares in the Company and the applicant misused the digital signature of the complainant for his personal gain. He further submits that two accused persons are still reported to be absconded. In support of his argument, he placed reliance on the decision of Madhya Pradesh High Court in the matter of **Sunil**

Mandwani V. State of M.P. reported in **2019 SCC OnLine MP 1248.**

7. I have heard learned counsel for the parties and perused the record.
8. Considering the totality of the facts and circumstances of the case, and further considering the fact that the applicant is in custody since 21.10.2019, the offences are triable by Judicial Magistrate First Class and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
9. Accordingly, the bail application is allowed.
10. It is directed that the Applicant shall be released on bail on his executing a personal bond for a sum of Rs.50,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed.

Sd/-

(Rajani Dubey)
Judge