HIGH COURT OF MADHYA PRADESH
PRINCIPAL SEAT AT JABALPUR

SINGLE BENCH : RAJEEV KUMAR DUBEY, J

M.Cr.C.No.1781/2020

Ghanshyam Singh Rajput

Vs.

The State of Madhya Pradesh through Economic Offence Wing

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Shri Anil Khare, learned senior counsel with Shri Anil Lala, learned counsel for the applicant.

Shri Harjas Singh Chhabra, learned counsel for the respondent/EOW.

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O R D E R

Reserved on 24/02/2020
Passed on 27/02/2020

This is first application under Section 439 of the Cr.P.C. for grant of bail. Applicant Ghanshyam Singh Rajput was arrested on 24/12/2019 in connection with Crime No.53/2019 registered at Economic Offence Wing, Bhopal (M.P.) for the offence punishable under Sections 406, 420, 467, 468, 471, 120-B of the IPC.

As per the prosecution case, an FIR has been registered against the applicant and other co-accused persons on the basis of preliminary enquiry No.23/09 conducted against Rohit Cooperative Housing Society, in which allegations regarding financial irregularities has been levelled against the applicant. It is alleged that many irregularities and illegalities were committed by the applicant in connivance with the other co accused person in the work of Society. During investigation of the crime it was found that in the Central Bank of India, Branch T.T. Nagar, Bhopal, a current account No.3160533811 and saving account No.3165050156 were opened in the name of Rohit Grah Nirman Samiti Maryadit Bhopal through its President Rambahadur Singh (cousin of applicant) and Director B.D. Ninave. In both

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these accounts, the mobile number 9907028580 of the accused Ghanshyam Singh was given. In both the accounts, a sum of Rs.22.65 crores was deposited by the members of the society for plots and its development. It is alleged that co-accused Rambahadur Singh and B.D. Ninave in connivance with applicant Ghanshyam Rajput and co-accused A.K. Shukla and Krishna Kumar Dubey withdrew a sum of Rs.9,80,00,000/- through various bearer cheques, while the said society was bound to issue account payee cheques. No vouchers were maintained regarding that amount. Similarly, a sum of Rs.4,96,00,000/- were transferred through various cheques in the account of co-accused Krishna Kumar Dubey, who is the tenant in a shop illegally purchased by applicant in the name of her mother from the said society and thereafter co-accused Krishna Kumar Dubey transferred said amount i.e. Rs.4,96,00,000/- in the account of M/s Nandini Associates and M/s Pooja Developers. It is also alleged that applicant and co-accused Rambahadur and B.D. Ninave also transferred a sum of Rs.2,85,50,000/- in the account of M/s Nandini Associates, whose proprietor is Mukesh Singh (brother-in-law of applicant) and a sum of Rs.2,45,46,600/- in the account of M/s Pooja Developers, whose proprietor is Manju Singh (sister-in-law of applicant). During investigation, statements of Mukesh Singh and Smt. Manju Singh were recorded, who stated that neither they opened any account, nor they deposited or withdrew amounts from the said accounts. Nandini Associate's account has been opened on the introduction of Vishal Singh, son of applicant Ghanshyam Singh. Similarly, the account of the M/s Pooja developers has been opened on the introduction of M/s Varusha Associate owned by the Mrs. Sandhya Singh and its office address has also been given shop number 8, Rohit Shopping Complex which is registered in the name of Kishore Singh (brother of applicant). Even, a sum of Rs.1,18,40,000/- was also transferred from the account of M/s Nandini Associates in the account of Varusha Buildcon and the applicant is the proprietor of M/s Varusha Buildcon. It was also found that from the amount which was transferred from the account of said Society to the account of M/s Pooja Developers a sum of Rs.31,00,000/- was further transferred in the account of applicant’s

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wife Smt. Sandhya Singh, a sum of Rs.2,50,000/- in the account of applicant's son Vishal Singh and a sum of Rs.2,50,000/- in the account of applicant's daughter Vaishali Singh. On 11/02/2013, from the forged account of M/s Nandini Associates one four wheeler Fortuner was also purchased after paying a sum of Rs.25,36,669/- through cheque.From the statement of Mukesh Singh it was revealed that the said vehicle has been purchased by the applicant and is being used by him. It was also found that a sum of Rs.1,18,40,000/- was also transferred from the account of said society to the account of Smt. Sandhya Singh wife of applicant. Thus, applicant in connivance with co-accused persons embezzled huge amount of Rohit Grah Nirman Sahkari Samiti Maryadit Bhopal and transferred some of the amount by opening forged account of M/s Nandini Associates and M/s Pooja Developers and also in the account of M/s Varusha Bildcon of which applicant is proprietor, her wife Smt. Sandhya Singh, son Vishal Singh and daughter Vaishali Singh.

Learned counsel for the applicant submits that the applicant has not committed any offence and has falsely been implicated in the offence. There is no direct evidence on record to connect the applicant with the crime. The applicant was not holding any post in the said society at the relevant point of time. There is no allegation against the applicant that he committed any financial irregularity. The said transactions were made by the co-accused Rambahadur Singh and B.D. Ninave, who were the President and Director of the said society. The applicant has no relation with the President Ram Bahadur. The applicant has been in custody since 24/12/2019 and the conclusion of the trial will take time, hence prayed for the release of the applicant on bail.

Learned counsel for the respondent-EWO opposed the prayer and submitted that from the evidence collected by the prosecution during investigation it is clear that the applicant in connivance with other co-accused persons embezzled crores of rupees from the account of said society by depositing the amount in various forged accounts. The investigation is still going on, so the applicant should not be released on bail.

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Looking to the facts and circumstances of the case, the contention of learned counsel for the respondent-EOW, the allegation levelled against the applicant and the fact that the investigation is still going on, this Court is not inclined to grant bail to the applicant at this stage.

Accordingly, M.Cr.C. is rejected.

(Rajeev Kumar Dubey)
JUDGE

as/-

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