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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1437 of 2021

- Arindam Majumdar, S/o Shri Ashok Majumdar, Aged About 41 Years, R/o Vivekanand Colony, Mopka, Tehsil- Bilaspur, District-Bilaspur Chhattisgarh

---- Applicant (In jail)

Versus

- State of Chhattisgarh Through Station House Officer, Devendra Nagar, District-Raipur Chhattisgarh

---- Respondent

For Applicant	:	Shri Surfraj Khan, Advocate
For Respondent/State	:	Shri Vimlesh Bajpai, Government Advocate

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Hon'ble Shri Justice Parth Prateem Sahu
Order on Board
(Proceeding through Video Conferencing)

08.07.2021

1. Applicant has preferred this application under Section 439 of CrPC for grant of regular bail as he was arrested in connection with Crime No.20 of 2021 registered at Police Station- Devendra Nagar, District- Raipur, Chhattisgarh for the offence punishable under Section 408 of the IPC.

2. Case of the prosecution, in brief, is that present applicant is working as DGM (Deputy General Manager) (Sales) with the Finolex Cables Limited, Branch at Raipur. On verification for the period from 01.04.2017 to 02.08.2019 done on 04.08.2019, Company detected some fault in the stock and explanation was called from the applicant and other co-accused person- P Shiv Kumar, who was working as Senior Commercial Officer. When the explanation offered by him was not found satisfactory, matter was reported to the Police Station, based upon which crime was registered against applicant

and co-accused P Shiv Kumar, initially for committing offence punishable under Section 408 of the IPC.

3. This bail application was filed prior to filing of charge-sheet. During the course of investigation, statements of dealers and others were recorded, based upon which, charge-sheet is filed for offences under Section 408, 420, 467/34 of the IPC and Section 66D of Information Technology Act, 2000.

4. Shri Surfaraj Khan, learned counsel for the applicant would submit that applicant was working as DGM(Sales) in the Company. Looking to the nature of his work, he is not having the duty to maintain the stock in any manner, there is no involvement of present applicant with stock and in making false entries in the Computer as alleged. He would further submit that as per allegation, manipulation of stock is from 01.04.2017 to 02.08.2019, for a period of more than two years. Every big Company is managing and supervising its stock through centralised system and software named SAP (Systems Applications and Products in Data Processing), and the same is used by the complainant Company, hence, there is no question of manipulating stock which is to be maintained at godown level. His work is only to look after the sales by taking orders of dealers. He further submits that after applicant's arrest, charge-sheet has already been filed and case is to be proved on the basis of documents. No further custodial interrogation is require. There is no possibility of absconding of applicant and he is ready to abide by all terms and conditions imposed upon him, if he is granted bail.

5. Shri Vimlesh Bajpai, learned State counsel opposing the submission made by learned counsel for the applicant submits that the applicant while holding the post of DGM(Sales) in the Company, has embezzled the manipulated stock in collision with co-accused- P Shiv Kumar and as per the statement recorded under Section 161, applicant has also collected amount of Rs.7,22,45,651/- from the dealers, but not deposited the same in Company's account. He submits that during the course of investigation, offences under Sections 420, 467/34 and Section 66D of the Information Technology Act, 2000 have also been included and hence, the applicant is not entitled for grant of bail.

6. I have heard learned counsel for the parties.

7. Perused the case diary. During the course of investigation, Police recorded statements of Praveen Patel, Mahesh Kumar Nathani. They have stated that they have made payment through cheque and RTGS. The Police after investigation has filed charge-sheet against two persons including present applicant. No custodial interrogation is required, applicant is in jail since 05.02.2021, offences are triable by Magistrate First Class, without commenting anything on merits of the case, I am inclined to enlarge the applicant on bail.

8. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on regular bail upon furnishing personal bond in the sum of Rs.5,00,000/- (Rupees five lakhs) with one local surety in the like sum to the satisfaction of the Court below concerned on the condition that:

a) Applicant shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.

b) Applicant shall not in any manner, tamper with the prosecution witnesses.

c) If the applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd /-
(Parth Prateem Sahu)
JUDGE

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