

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRCA No. 1136 of 2021**

- Maheshwar Vaishnav Son of Khusdas Vaishnav, aged about 21 years R/o Village Basantpur, Bastipara, Police Station Janjgir, District Janjgir-Champa (C.G.).

-----Applicant**VERSUS**

- State of Chhattisgarh through the District Magistrate, Janjgir, Police Station Champa, District Janjgir-Champa (C.G.)

-----Non-applicant

For Applicant	: Mr. Shashank Thakur, Advocate.
For Non-applicant- State	: Mr. Vimlesh Bajpai, Govt. Adv.
For Objector	: Mr. Rekhraj Baghel, Advocate

Hon'ble Shri Parth Prateem Sahu, Judge**ORDER****23/09/2021**

1. The applicant has preferred this second application under Section 438 of the Cr.P.C for grant of anticipatory bail as he apprehends his arrest in connection with Crime No. 164/2021 registered at Police Station Champa, District Janjgir-Champa (C.G.) for the offence punishable under Section 420, 467, 468, 471, 406 and 120-B of the IPC. First bail application of the applicant under Section 438 of the Cr.P.C was dismissed for want of prosecution vide order dated 23/08/2021 passed in MCRCA No. 905/2021.
2. As per case of prosecution, applicant is working with Berar Finance Company (henceforth 'the Company') as Collection Executive in the sales department. His job is to collect installments of loan amount from the consumers/customers, collection agents and thereafter to deposit the same in the account of Company at Punjab National Bank, Sivni Branch. It is alleged that in between 06/05/2021 to

19/06/2021, applicant collected Rs. 23,31,034/- from the consumers/customers and agents of the Company, but have deposited only Rs. 1,41,034/-. Deposit receipts have been manipulated and submitted with the Company by the applicant showing more amount than what was deposited. Based on the written report dated 28/06/2021, the aforementioned crime has been registered against the applicant.

3. Mr. Shashank Thakur, learned counsel for the applicant would submit that the applicant has not committed any offence as alleged against him. He submits that no material is available in the case diary which connects the applicant with the aforesaid crime. Statement of the depositor or costumer have not been recorded by the investigating agency. He would further submit that the job of the applicant is only to collect installments of loan amount from customers and not to deposit the same with the Bank. Applicant has not visited to Punjab National Bank at any point of time for depositing the installments of loan amount collected by him, neither his signature is there in the deposit slips. Hence, he prays that the applicant may be enlarged on the anticipatory bail.
4. On the other hand, Mr. Vimlesh Bajpai, learned State counsel and Mr. Rekh Raj Baghel, learned counsel for the Objector, oppose the submissions made by learned counsel for the applicant and submit that serious allegations have been leveled against the applicant of misappropriation of installments of loan amount of Rs. 21,90,000/- of the Company. Applicant has collected said amount from the customers and other agents as installments of loan and deposited less amount in the bank. While submitting the deposit slips with the Company, they were manipulated and more amount is shown in it.

They read over the statements of Ajay Vaishnav, Atul Vaishnav and Hemant Vaishnav in support of their contention. These persons are collection agents of the Company and they too have deposited the amount with the applicant, entire amount of which was eventually not deposited in the bank account of the Company. They further pointed out the statement of the applicant which was recorded during inquiry stating that the applicant has not denied the fact that he was not entrusted with the work of depositing the installment amount in the bank account of the Company. They submit that the applicant is not entitled to get benefit of anticipatory bail.

5. I have heard learned counsel for the respective parties and perused the case diary.
6. Taking into consideration, nature of allegations and material available in the case diary, submissions made by learned counsel for the parties and further considering the statements of Ajay Vaishnav, Atul Vaishnav and Hemant Vaishnav out of those Ajay is said to be cousin brother of the applicant, I am not inclined to allow the bail application.
7. Accordingly, application is dismissed.

Sd/-
(Parth Prateem Sahu)
Judge