
(2018) 08 CHH CK 0090

Chhattisgarh High Court

Case No: Miscellaneous Criminal Case (MCRC) No. 4427 Of 2018

Sanjay Kumar Agrawal

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision: Aug. 3, 2018

Acts Referred:

- Indian Penal Code, 1860 - Section 34, 409, 420
- Code Of Criminal Procedure, 1973 - Section 439

Hon'ble Judges: Goutam Bhaduri, J

Bench: Single Bench

Advocate: HS Ahluwalia, Ashish Shukla

Final Decision: Dismissed

Judgement

Goutam Bhaduri, J

1. This is the third bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been

arrested on 7-4-2016 in connection with Crime No. 136 of 2016 registered at Police Station Baradwar, District Janjgir-Champa (CG) for the offence

punishable under Sections 409 and 420/34 of the IPC.

2. The first bail application was dismissed on merits on 11.07.2016 vide M.Cr.C. No.3436 of 2016 and the second bail application was dismissed on

16.11.2016 vide M.Cr.C. No.6591 of 2016.

3. As per the prosecution case, the applicant for and on behalf of the company namely Bhoomi Devcon & Agritech Ltd., Rajnandgaon in which he

was working as Managing Director, floated different schemes to give lucrative interest on deposits with a further promise that the amount deposited

will be doubled with a short period of time with interest and in the alternative, the land would be given and subsequently after some time, the company was closed and everyone fled away. The allegation is that the applicant being part of the company has committed the offence.

4. Learned counsel for the applicant submits that on the earlier occasion the wrong submission was made that the applicant is the Director but actually he has resigned from the post of Director, therefore, there was mistake of fact exist in the earlier bail application and submits that the applicant may be enlarged on bail.

5. State was directed to verify this fact. Learned State counsel submits that as per the recent information received on 05.04.2016 from the Ministry of Corporate Affairs, the applicant was working as Additional Director since 2011 and no resignation is recorded.

6. Perused the case diary and the information received from the police. Considering the same, I do not find any change of circumstances to reconsider this repeat bail application.

7. Accordingly, the bail application is dismissed.