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**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE**

**BEFORE
HON'BLE SHRI JUSTICE SUBODH ABHYANKAR**

ON THE 28th OF APRIL, 2023

MISC. CRIMINAL CASE No. 13903 of 2023

BETWEEN:-

**KRAPAL S/O SHRI ANRAT SINGH LODHI OCCUPATION:
SERVICE MANSAROVAR NAGAR, DEVGURADIYA,
DISTRICT INDORE (MADHYA PRADESH)**

.....APPLICANT

(BY SHRI VIVEK SINGH, ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH STATION HOUSE
OFFICER THROUGH POLICE STATION BHAWARKUAN,
INDORE (MADHYA PRADESH)**

.....RESPONDENTS

***(SHRI PRANAY JOSHI, G.A./P.L. FOR THE STATE AND SHRI AMIT BHATIA,
ADVOCATE FOR THE OBJECTOR)***

.....
*This application coming on for admission this day, the court passed the
following:*

ORDER

They are heard. Perused the case diary / challan papers.

This is the first bail application filed by the applicant under Section 439 of Criminal Procedure Code, 1973, as he / she is implicated in connection with Crime No.65/2023 registered at Police Station Bhanwarkua, District Indore (MP) for offence punishable under Section 408, 420, 467, 468 and 471 of Indian Penal Code, 1860. The applicant is in custody since 26/01/2023.

Allegation against the applicant is of embezzlement of Rs.70-80 Lakhs. It is alleged that the applicant was working as an Accountant-Cum-Cashier in a

company, namely Shri Kailash Grain Mills Pvt. Ltd., wherein the applicant used to obtain various sundry amounts from the customers and note them in the sheet and after getting the said sheet signed from the HOD, Accounts & Finance, he used to prepare another sheet with different amounts and used to forge the signature of the HOD, Accounts & Finance and by this manner, he has embezzled around 72-80 laks rupees since last around 4-5 years.

Counsel for the applicant has submitted that the applicant has been falsely implicated in the case, the charge sheet has already been filed and the applicant is lodged in jail since 26/01/2023. It is also submitted that in the charge sheet, there is no statement available of the person who had given the amount to the said company and whose deficit amount has been shown in the company's account. It is also submitted that if the original sheets were also prepared by the applicant, no such sheets have been filed on record and as such, there is nothing to connect the applicant with the offence. Hence, it is submitted that the bail application be allowed and the applicant be released on bail.

Counsel for the objector, on the other hand has opposed the prayer and it is submitted that the applicant has accumulated various properties out of such embezzled amount as his income was only Rs.25,000/- per month and earlier it was much less than Rs.25,000/-. It is also submitted that the HOD, Accounts & Finance has also given his statement under Section 161 of Cr.P.C. and has stated that the account sheets submitted by the applicant does not bear his signatures. It is also submitted that the original sheets have already been destroyed by the applicant, hence, the aforesaid sheets could not be filed. Therefore, it is submitted that no case for grant of bail is made out.

Counsel for the State has also opposed the prayer and it is submitted that no case for grant of bail is made out, however, it is not denied that so far as the

account sheets are concerned, the signatures appended by the HOD, Accounts & Finance, the same have still not been verified through the handwriting expert who can verify that the signatures are not made by Kailash Maurya, the HOD Accounts & Finance.

Having considered the rival submissions and on perusal of the case diary, this Court finds force with the contentions raised by learned counsel for the applicant and further taking note of the fact that the charge sheet has already been filed, applicant is lodged in jail since 26/01/2023 and the final conclusion of the trial is likely to take sufficient long time, as also that the handwriting expert's report has also not been produced till date, in the considered opinion of this Court, the applicant's application deserves to be allowed.

Accordingly, without commenting on the merits of the case, the application filed by the applicant is **allowed**. The applicant is directed to be released on bail upon furnishing a personal bond in the sum of Rs.25,000/- (rupees twenty five thousand) with one solvent surety of the like amount to the satisfaction of the trial Court for his/her regular appearance before the trial Court during trial with a condition that he / she shall remain present before the court concerned during trial and shall also abide by the conditions enumerated under Section 437 (3) Criminal Procedure Code, 1973.

It is also directed that subsequently, if the handwriting expert's report is received and if it is found that the signatures of the HOD, Accounts & Finance are forged, the objector can file the application for cancellation of this bail order.

Certified copy as per rules.

(SUBODH ABHYANKAR)
JUDGE

krjoshi

