

HIGH COURT OF MADHYA PRADESH

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MCRC No.37096/20

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(Radheshyam Vs. State of M.P.)

Indore, Dated : 16.10.2020

Shri Manish Yadav, learned counsel for the applicant.

Shri Siddharth Jain, learned counsel for the State.

Heard on the question of grant of bail through video conferencing.

This is an application made by the applicant under Section 439 Cr.P.C. for grant of bail during trial.

Notice of this application was served on the State counsel. Case diary as per the direction of this Court has been produced and it has been perused.

The applicant is facing trial for offence punishable under Section 420, 120-B of the IPC and under Section 3/6 of Investors Protection Act registered with Police Station Lalghati, District Shajapur, in Crime No.21/2016.

Learned counsel appearing for the applicant submits that the applicant has not been named in the FIR and as per the FIR allegation the defalcation and misappropriation of money was done by main accused Nandan Singh. He further submits that the applicant was merely the Manager of Sunshine Infrabul Corporation Ltd. and there is no allegation that the applicant had received any money from the complainant. He also submits that the applicant has been implicated only on the basis of memorandum under Section 27 of the Evidence Act and that the main accused Nandan Singh has been granted bail by order dated 27.3.2017 passed in M.Cr.C. No.2284/2017. He also submits that the offence is triable by the Magistrate and that the applicant is in

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custody since 16.9.2020 and he is no longer required for the purpose of investigation.

In reply, learned counsel for the State has opposed the application for grant of bail.

On perusal of the case diary and considering the circumstances of the case, I find prima facie force in the submissions made by the counsel for applicant. Hence I am of the considered view that the application for grant of bail deserves to be allowed and is accordingly **allowed**.

The **applicant-Radheshyam** is directed to be released on bail upon his furnishing a personal bond in the sum of **Rs.35,000/- (Rs. Thirty Five Thousand)** with one surety in the like amount to the satisfaction of the Trial Court for his appearance as and when directed.

The applicant will attend each hearing of his trial before the Trial Court out of which this bail arises. Any default in attendance in Court would result in cancellation of the bail granted by this Court.

C.C. as per rules.

(Prakash Shrivastava)
Judge

trilok/-