IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE DINESH KUMAR PALIWAL

ON THE 9th OF AUGUST, 2023

MISC. CRIMINAL CASE No. 29292 of 2023

BETWEEN:-

RAGHVENDRA NARWARIYA S/O GOURICHARAN NARWARIYA, AGED 45 YEARS, OCCUPATION: PRIVATE JOB RESIDENT OF BALWANT NAGAR GWALIOR DISTRICT GWALIOR (MADHYA PRADESH)

.....APPLICANT

(BY SHRI MADAN SINGH-ADVOCATE)

AND

THE STATE OF MADHYA PRADESH THROUGH POLICE STATION RAJPURA DISTRICT DAMOH (MADHYA PRADESH)

.....RESPONDENT

(BY SHRI PRADEEP GUPTA-GOVERNMENT ADVOCATE)

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

ORDER

This is fourth bail application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail relating to FIR No.37/2015 dated 25.11.2015 registered at Police Station Rajpura, District Damoh (M.P.) for commission of offence under Sections 420, 409, 120-B/34 of IPC. Applicant is in detention since 18.04.2016.

2. Applicant's first and second bail applications were dismissed as withdrawn vide order dated 25.04.2018 passed by this Court in M.Cr.C.No.7133/2018 and order dated 24.11.2020 passed by this Court in

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M.Cr.C.No.31465/2020. Applicant's third bail application was dismissed on merit vide order dated 21.06.2021 passed by this Court in M.Cr.C.No.18306/2021.

3. As per the prosecution case, applicant and other co-accused persons who where Chairman, Director, employees and agents of BNP India Developers and Infrastructure Ltd collected money from the innocent persons assuring them to return handsome amount within a stipulated period. However, they did not pay the money even after the maturity period. Thus, they cheated innocent people. The specific allegation against the applicant is that he was the Chairman of the said company, through other employees/agents had collected Rupees One Crore from 150 innocent investors and embezzled that amount. FIR was registered.

4. Learned counsel for the applicant has submitted that applicant has not committed any offence. He has been falsely implicated in the case. He is in detention for the last more than 7 years and four months. The allegation against the applicant is about embezzlement of an amount of Rupees one crore received from the innocent investors. It is submitted that applicant is ready to deposit Rs.50,00,000/- (Fifty lacs) before the trial Court under protest in form of Fixed Deposit. As applicant has already suffered more than 7 years and 4 months in jail and there is no possibility of conclusion of trial in near future, therefore, it is prayed that applicant may be released on bail.

5. On the other hand, learned counsel for the State has opposed the prayer and has submitted that five offences of similar nature are also registered against the applicant. Sufficient evidence is available on record against him as he was the chairman of BNP India Developers and Infrastructure Ltd and third bail application has already been dismissed on merit. Therefore, he has prayed for

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rejection of the bail application.

6. In this case, status report has been received. Out of 18 witnesses, evidence of 15 witnesses was recorded. Thereafter a supplementary charge sheet was filed against co-accused persons and in the matter only 6 witnesses could have been examined so far. Applicant himself is ready to deposit Rs.50,00,000/- (Fifty lacs) before the trial court under protest. Therefore, having taken into consideration the contention of learned counsel including the detention period of the applicant and the fact that trial of the case will take considerable time but without expressing any opinion on the merits of the case, I am of the view that it is a case in which applicant may be released on bail. Consequently, this fourth bail application under Section 439 of the Code of Criminal Procedure for grant of bail filed on behalf of applicant, stands allowed.

7. It is directed that **applicant - Raghvendra Narwariya** be released on bail subject to depositing of Rs.50,00,000/- (Rs.Fifty Lakhs) before the trial court in a Fixed Deposit of any Nationalized Bank, which shall not be encashable till conclusion of the trial and on his furnishing a personal bond in the sum of **Rs.5,00,000/- (Rupees five lacs)** with two solvent sureties in the sum of **Rs.2,50,000/- (Rupees two lacs fifty thousand) each** to the satisfaction of the trial Court, for his regular appearance before the trial Court during trial with a condition that he shall remain present before the trial Court on all the dates fixed by it and shall not seek any adjournment whenever witnesses are in attendance and shall abide by all the conditions enumerated under Section 437(3) of Cr.P.C.

8. At the time of delivery of judgment, the learned trial court shall pass appropriate order about disbursement of amount of Rs.50,00,000/- (Rs.fifty

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lakhs) so deposited by the applicant in the form of F.D. before it in accordance with law to the innocent investors.

9. This order shall be effective till the end of the trial. However, in case of bail jump and breach of any of the conditions of bail, it shall become ineffective.

Certified copy as per rules.

(DINESH KUMAR PALIWAL)
JUDGE

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