

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 658 of 2015

1. Joidha Aged About 65 years S/o Gulam Prasad By Caste Sahu, R/o Village Dhelwadih, Police Station And Tah. - Katghora, District Korba Chhattisgarh.
2. Gyanee Singh Aged About 20 Years S/o Joidha By Caste Sahu R/o Village Dhelwadih, Police Station And Tah. Katghora, District Korba Chhattisgarh.
3. Rampyare Aged About 23 Years S/o Joidha By Caste Sahu R/o Village Dhelwadih, Police Station And Tah. Katghora, District Korba Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through District Magistrate District Korba Chhattisgarh.

---- Respondent

For Applicants	:	Shri Ashok Kumar Swarnkar, Advocate
For Respondent/State	:	Shri Vinod Tekam, Panel Lawyer

Order On Board

03/08/2015

Heard.

This application under Section 438 of Cr.P.C. has been filed by the applicants apprehending their arrest in connection with Crime No.155/2015, registered in Police Station- Katghora, District- Korba (CG), for alleged commission of offence under Sections 420, 374, 363 read with Section 34 of the IPC.

Case of the prosecution, in brief, is that the applicants are involved in taking away Kamlesh and Ambika along with them for labour work without making any payment to them.

Learned counsel for the applicants submits that the dispute is with regard to amount payable to other labours and due to this dispute, report has been lodged with the police. There is no element of cheating involved on the basis of contents of FIR and the statements of those two boys Kamlesh and Ambika. He submits that the offence under Section 363 and 374 are bailable in nature. The applicants are not the habitual offender.

On the other hand, learned counsel for the State submits that in the name of providing good and lucrative wages, Kamlesh and Ambika were taken for labour work and thereafter they were not paid proper wages and they continued on exploitive terms and conditions. This prima facie amounts to cheating.

Taking into consideration the submission made by learned counsel for the parties, particularly taking into consideration the background of the incident and the statement in this regard, I am inclined to allow the application.

The application is accordingly allowed. It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the arresting officer on each of them furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the arresting officer with following further conditions that:

- (i) the applicants shall make themselves available for interrogation by the police officer as and when required;
- (ii) the applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

Sd/-

(Manindra Mohan Shrivastava)

Judge