

HIGH COURT OF CHHATTISGARH, BILASPUR

M CR C A No. 233 of 2016

Prasenjit Pal, Aged about 40 years, S/o. Late Shri Surendra Nath Pal, R/o. Ward No. 3, Jagriti Nagar, Birgaon, Police Station Urla, Tahsil and District (Revenue and Civil District Raipur) Raipur (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through – Station House Officer, Poice Station Urla, District Raipur (C.G.)

---- Respondent

For Applicant	:-	Mr. Yogesh Pandey, Advocate
For Respondent/ State	:-	Mr. Sangharsh Pandey, Dy. Govt. Advocate
For Objector	:-	Mr. Vivek Tripathi, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

15/03/2016

1. Apprehending arrest in connection with the Crime No. 50/2016, registered at Police Station- Urla, District Raipur (C.G.) for the offence punishable under sections 420,467,468,471,408 and 201 of Indian Penal Code, the applicant has filed this application under Section 438 of Cr.P.C. for grant of anticipatory bail.

2. Case of the prosecution, in brief, the applicant was working as a General Manager at Refra Mining & Power Ltd, while he was working in between the period from 2012 to 2015, the applicant had misappropriated total 2107 tons of dust, worth of Rs. 21,07,000 sold.

3. Counsel for the applicant would submit that the applicant joined his service in the year 2005 as initially he was working as supervisor in the company thereafter in the year 2008 he became General Manager and was working in the company. The applicant resigned from the job of the company on 10.06.2014 and handed over the belongings of company to the representative of the company by letter Annexure A/3 filed on the petition. Subsequently, the applicant joined another rival company of complainant namely Mahalaxmi Industries which is evident from Annexure A/4. He further submits that after joining of the rival company the applicant was given threat that he would be inculpated in some other cases for which the applicant made a report to the Superintendent of Police, Raipur and Police Officer, Urla District Raipur and thereafter, again to C.S.P. Urla District Rapur on 15.09.2015. He further submits that the way of allegation has been levelled it is improbable that the dust total worth of Rs. 21,07,000/- were taken out from the factory premises only by the applicant and the false implication has been made over the applicant, therefore, the applicant may be given the benefit of anticipatory bail.

4. Per contra State counsel as well as the counsel for the objector opposes the prayer for grant of bail and submits that the applicant being the in-charge of the company has sold the dust of Rs. 21,07,000/- and has misappropriated the same.

5. Perused the document and the FIR. Perusal of the FIR shows that the FIR is made on 09.02.2016, it is alleged that the offence has been committed from 01.04.2012 to 31.05.2014. Perusal of the statement of Subhash R. Agrawal, the complainant as also considered the document of resignation of applicant from the company, considering, the allegation of the period for which it has been alleged in between 2012 to 2014, the FIR has been made in the year 2016, after resignation of the applicant from the company. Taking into such fact

and the degree of allegation, prima facie, it appears that the allegation levelled against this applicant is to be improbable, considering the fact for the purpose of bail without any observation on merit, this Court is of the opinion, that present is a fit case, where the applicant should be enlarged on anticipatory bail.

6. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions:-

- (i) that the applicant shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that the applicant 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 them from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) the applicant shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-

(Goutam Bhaduri)
JUDGE