

HIGH COURT OF CHHATTISGARH, BILASPUR

M. Cr. C. (A) No. 55 of 2017

Santosh Pandey S/o late S. P. Pandey, aged about 34 years, R/o Bhandhwapara, Police Station- Sarkanda, District- Bilaspur Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh through- Police Station- Civil Line, Bilaspur, District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	:	Shri A. K. Yadav, Advocate
For Respondent/State	:	Shri Ashish Surana, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order On Board

04/05/2017

The present application under Section 438 of Cr.P.C. has been filed seeking for grant of anticipatory bail to the applicant apprehending his arrest in connection with Crime No.722/2016 registered at P.S. Civil Line, Bilaspur (CG) for the offence punishable under Section 407 of IPC

The allegation against the present applicant as per the prosecution is that from 2013 to June 2016, the applicant has misappropriated huge amount of money which is otherwise payable as commission to the private doctors of the city.

Counsel for the applicant submits that the entire allegation is a false and fictitious complaint lodged only on the ground that subsequent to the applicant having left employment of the complainant, there was a raid conducted in the hospital by the Income Tax department. According to the counsel for the applicant, the complainant is under the impression that the said raid has been conducted at the instance of the applicant to which with an act of revenge, the present complaint has been lodged.

State counsel however opposes the bail application on the ground that

there is allegation against the applicant of having misappropriated huge amount of money which was payable to the doctors as commission.

However, on a query being put to the State counsel, he fairly submits that so far as the non-granting of commission to the private doctors is concerned, there is no such statement recorded on behalf of any of the private doctors on the basis of which the allegation could be substantiated.

In the given facts and circumstances of the case, particularly the fact that there is no prima facie material to substantiate the allegation levelled against the applicant, this Court is of the opinion that a strong case for grant of anticipatory bail has been made out.

In the result, the application u/s 438 Cr.P.C. is allowed. It is directed that in the event of arrest, the present applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000 with one surety in the like sum to the satisfaction of the Officer arresting him and he shall abide by all the following terms and conditions:

- (i) that the applicant shall make himself available for interrogation before the concerned 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 him/her 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) that the Applicant shall appear before the Trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(P. Sam Koshy)
Judge