

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 551 of 2017

- Vijay Pratap S/o Anjor Das, Aged About 34 Years R/o Village Sendri, Police Station Koni, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Out Post Sarkanda, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicants : Mr. H.S. Ahluwalia, Advocate.
For Respondent : Mr. Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

16/11/2017

1. Apprehending arrest in connection with Crime No.288/2017 registered at Police Station- Out Post-Sarkanda, District – Bilaspur, Ramanujganj (C.G.), for the offence punishable under Section 420 read with Section 34 of the Indian Penal Code (for short 'IPC'), the applicant has preferred this application for grant of anticipatory bail.
2. Learned counsel for the applicant submits that on 29.4.2016 the applicant was appointed as General Manager in Agriculture & Animal Husbandry Multipurpose Co-operative Society and was asked to deposit a sum of Rs.50,000/- which he deposited with the society on the same day. Complainant Laxmi Singh Thakur and others were also given appointment in the said society on various posts. They were also asked to deposit security amount which they deposited. Applicant and other appointees started working for the society and all of them

received salary for two months and thereafter almost 10 months have passed but no salary was paid either to the applicant or the complainant and other persons, who were appointed by the society and having grievance regarding non-payment of salary. The complainant and others demanded their salary, which was not paid by the said society, hence, a false complaint has been filed by the complainant and others alleging the commission of offence of cheating. The contents of FIR do not disclose commission of any such offence by the applicant. The applicant is also a victim like the complainant, therefore, it is prayed that the applicant be benefited with grant of anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that as per the statement of witnesses recorded under Section 161 of CrPC when the complainant and others approached the office bearers of the society for payment of the salary and also for refund of the security money, all of them were threatened by the applicant and the office bearers of the society to keep themselves away from making any such demand. This shows that applicant himself has acted in support of the office bearers of the society and others and thus assisted in the offence of cheating actively. For these reasons, applicant is not entitled for grant of anticipatory bail.
4. Heard both the parties and perused the case diary.
5. As per FIR, on 20.4.2016 an advertisement was published by the Agriculture & Animal Husbandry Multipurpose Co-operative Society inviting applications for appointment on various posts. Complainant Laxmi Singh Thakur & others submitted their applications for

appointment, they were given appointment and security deposit was taken by them. After paying salary of only 2 months, no salary was paid to any of the appointed persons for further 10 months. On asking for the salary or return of the security money, the complainant and others were refused by the office bearers and other concerned. Thereafter the office of the said society was shutdown and the whereabouts of the office bearers of the said society are not known, hence, FIR was lodged.

6. It is not disputed that the said society is a registered and authorized society and the appointments given to the applicant and others are in agreement with rules and bylaws of the society. The copy of rule and bylaws is the part of the charge-sheet. Statement of the applicant that he is also a victim like other appointees has to be taken note of.
7. Considering all the material against the applicant and other facts as discussed above, I am of this view that this is a fit case where the applicant should be benefited with grant of anticipatory bail.
8. 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, he shall be released on bail by the officer arresting him on his 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 applicant shall also abide by the following conditions :
 - (i) that the applicant shall make himself 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 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge