

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1319 of 2016**

- Sanjeev Kumar S/o Late Shri Babulal Aged About 45 Years R/o 2/155, New Vishnupuri Senani Marg, Near Varun Hospital, Tahsil Kon, Police Station Kavarsi, District Aligarh, Uttar Pradesh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Patan, District Durg, Chhattisgarh.

---- Non-applicant

For Applicant:	Mr. Devershi Thakur, Advocate
For State:	Mr. U.K.S. Chandel, Panel Lawyer
For Objector:	Mr. N.P. Thakur, Advocate

SB: Hon'ble Shri Justice P.Sam Koshy**Order On Board****17.05.2017**

1. Apprehending arrest in connection with Crime No. 67/2016 registered at Police Station- Patan, District - Durg (C.G.), for offence punishable under Sections 409, 420, 34 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. The case of the prosecution is that a complaint was lodged at the instance of the objector company before the J.M.F.C., Durg who in turn ordered for registration of FIR. The allegation against the present applicant is that the present Applicant in the capacity of area manager is said to have under performed / not performed in discharging of his duties as area manager. It is further alleged that the present applicant is said to have not returned to the company

its property and also not given the statement of account so far as the sale of the products belonging to the company of which he was area manager. As such, there was loss of Rs. 11,87,500/- which was payable by the present Applicant to the company. When the present Applicant defaulted in payment of the same, the company has filed a complaint case and the FIR has registered.

3. A bare perusal of the nature of the complaint as also documents enclosed along with the bail application as well as the case diary it reveals that there appears to be genuine dispute between an employer and employee. It is alleged that the present Applicant is said to have filed a civil suit against the objector company, his employer for non-payment of salary for a period of 19 months. Subsequently, the company in turn is said to have filed complaint case against the present Applicant for the alleged loss caused to the company. These prima facie appear to be a pure service dispute between the applicant and the objector employer. Considering the contents of the complaint and nature of the allegation and dispute attributed to the present Applicant, prima facie make out a strong case for grant of anticipatory bail to the Applicant.
4. Accordingly, the MCRCA is allowed.
5. 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 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.

Sd/-

(P. Sam Koshy)
JUDGE