

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M. Cr. C. (A) No. 872 of 2017**

Yogesh Vinayak Shinde S/o Late Vinayak Shinde, aged about 36 years,
R/o House No. 165/A, Sunder Bihar Colony, Phase - I I , Kurud Bhilai,
District Durg, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh through the Station House Officer, Police Station
Supela, District Durg, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Suresh Tandan, Advocate
For Respondent/State	:	Shri Garry Mukhopadhyay, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****03/01/2018**

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. 381/2017 registered at P.S. Supela, District Durg (CG) for the offence punishable under Section 406 of IPC.

2. As per the prosecution, the applicant got employment with Simplex Casting Limited, Bhilai on 12.07.2016 on a salary of Rs.93,000/- per month. Subsequently, he is said to have obtained personal loan of Rs.2,50,000/- from the company and he was also granted a laptop by the company to do his work. Subsequently, the applicant without any instruction or intimation to the employer is said to have left the employment and fraudulently taken the laptop along with him and the amount of loan which he had obtained has also not been repaid.

3. Counsel for the applicant submits that the entire nature of complaint on perusal would show that the dispute is of civil nature more particularly

between employer and employee and that there is no allegation of any fraud, mischief or misappropriation leveled against the applicant. He submits that the applicant is a mechanical engineer and that the complainant company is not interested in releasing him from employment, therefore, with an intention of putting undue pressure upon the applicant they have filed the false complaint. He further submits that in fact the applicant has already returned the laptop to the company yet the Company is falsely implicating him in the said case.

4. State counsel, however, opposes the bail application on the ground that there are confidential matters loaded in the laptop which was provided to the applicant by the company. That there is all possibility of the applicant misusing the said confidential information with rival competitors which can jeopardize the company's interest and image and that was the reason the complaint has been lodged. He further submits that the applicant was not authorized to retain the laptop after having left the employment of the complainant company. In addition, the applicant is also supposed to repay the amount of loan that he had received from the Company and that the applicant has left the company within the bond period of three years from the date of his initial appointment.

5. Having heard the contentions put forth on either side and on perusal of the record more particularly the nature of allegation levelled against the applicant and also considering the fact that the applicant is a mechanical engineer, this Court is of the opinion that subject to the applicant co-operating with the police authorities during the course of investigation and trial, he can be granted the advantage of anticipatory bail.

6. In the result, the application u/s 438 Cr.P.C. is allowed. It is directed that in the event of arrest of the present applicant in connection with the aforesaid offence, he will 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 or the Court concerned, as the case may be, with 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