

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No.990 of 2017

1. Ishwar Bhai Salat S/o Shri Hari Bhai Salat Aged About 48 Years Proprietor - Shri Dwarkesh Road Equipment Registered Address - Near Transport Nagar , Dhamdha Road District Durg Chhattisgarh.
2. Vinod Kumar Salat S/o Shri Ishwar Bhai Salat Aged About 23 Years R/o Gram Kachandur, Tehsil & District Durg Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through The Station House Officer , Police Chowki Jevra Sirsa , Police Station Pulgaon , District Durg Chhattisgarh.

---- Respondent

Shri K. Rohan, counsel for applicant.
Shri SI Ali, PL for State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

03/01/2018

Heard.

2. The applicants have preferred this application under Section 438 of Cr.P.C., apprehending their arrest in connection with Crime No.423/2017, registered at Police Chowki-Jevra Sirsa, Police Station–Pulgaon, District Durg for alleged commission of offence under Sections 406/34 of IPC.

3. Case of the prosecution is that the applicant and other co-accused have misappropriated the money of the complainant-Anup Agrawal.

4. Learned counsel for the applicant submits that the dispute between the parties is purely of civil nature and on account of that dispute, in order to extract the money, report was lodged in the police station, which led to registration of offence. He submits that the dispute between the parties has been settled with an amount of Rs.8.50 Lakhs and the complainant has submitted no objection for grant of bail to applicant No.2. It is submitted that during the pendency of this bail application, the applicant No.2 was arrested and thereafter, he was granted regular bail by the

Court below.

5. On the other hand, learned State counsel submits that looking to the nature of allegations and the fact that the amount entrusted to the applicant and co-accused was misappropriated, therefore, prima facie case is made out against the applicants.

6. As the applicant No.2 was arrested during the pendency of this bail application, the bail application, in so far as applicant No.2 is concerned, is rendered infructuous.

7. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the subsequent development that dispute between the parties has been settled with certain amount of Rs.8.50 Lakhs and the co-accused, who was arrested, has been granted regular bail by the Court below, I am inclined to protect the applicant No.1.

8. Accordingly, the application on behalf of applicant No.1 is allowed. It is directed that in the event of arrest of the applicant No.1 in connection with the aforesaid offence, he shall be released on bail on furnishing a personal bond for a sum of Rs.20,000/ with one local surety in the like sum to the satisfaction of the arresting officer, on the following conditions that:

(I) The applicant No.1 shall make himself available for interrogation by the police as and when required;

(II) The applicant No.1 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 from disclosing such facts to the Court or to any police officer, *and*

(III) The applicant No.1 shall cooperate with the investigation as and when he is called.

SD/-
(Manindra Mohan Shrivastava)
Judge