

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 756 of 2018

- Ramesh Singh S/o Late Shri Chhotelal Singh Aged About 49 Years, Caste- Kashatriya, R/o- Village- Sukh Das, Police Station- Indwar, District Umaria, M.P., Present Address- House Of Shri K.K. Sinha, Kedarpur, Police Station Kotwali, Ambikapur, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station Incharge, Police Station- Ambikapur, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Non-applicant

For Applicant – Mr. Arvind Shrivastava, Advocate.

For Non-applicant/State – Mr. Lav Sharma, Panel Lawyer.

Ms. Priyanka Mehta, Advocate for the objector.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

31-08-2018

1. Apprehending arrest in connection with Crime No.255/18, registered at Police Station – Ambikapur, District- Surguja, Chhattisgarh for offence punishable under Section 408 of the IPC, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. It is submitted that, in reply to the allegation against him in the FIR, the applicant is ready and prepared to submit all the ledgers and accounts to the complainant to prove his bonafidy. Hence, it is prayed that the application for grant of anticipatory bail may be allowed on temporary basis.
3. Learned counsel for the State/non-applicant opposes the application.
4. Learned counsel for the objector submits that the applicant is in possession of the ledger books of January, 2017 to March, 2018, which shows his involvement in the offence committed, hence, no case is made out for grant

of anticipatory bail even on temporary basis.

5. Heard learned counsel for the parties and perused the case diary.

6. The FIR has been lodged by complainant Krishn Kanhaiya Agrawal stating that the applicant was employed by him as Manager in his petrol pump in Ambikapur for about 14 years. The complainant relieved the applicant from his job on 28-05-2018 and employed another Manager. Subsequent to it, this applicant has not submitted the charge of the accounts and he has absconded. On verifying the cash book it was found that the applicant has made defalcation of Rs.2,50,000/-, because of which, the FIR has been lodged.

7. Considered on the material present in the case diary and also considered on the submission made by the counsel for the applicant that the applicant is ready to prove his bonafidy by submitting account books and other materials which are in his possession to the complainant. Hence, for these reasons, I feel inclined to grant anticipatory bail on temporary basis as prayed for.

8. Resultantly, the anticipatory bail application is allowed on temporary basis. 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.

9. This order shall remain effective for a period of three months. Subsequent to that, the applicant shall have the liberty to move a fresh application for grant of anticipatory bail.

10. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge