

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 783 of 2018

- Anand Sharma S/o Ramchandra Sharma Aged About 35 Years R/o Village Daganiya, P. S. Seepat, Tahsil And District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

----Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Tarbahar, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Respondent -

For Applicant : Mr. Sourabh Sharma, Advocate.

For Respondent/State : Mr. Anupam Dubey, Dy. Govt. Advocate.

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

27/08/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.39/2018 registered at Police Station-Tarbahar, District – Bilaspur(C.G.), for the offence punishable under Sections 420 & 406 of the Indian Penal Code.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. There is no such evidence present in the case against the applicant to show that he has committed the offence of embezzlement as the applicant, who was working for the complainant concerned, had himself applied for grant

of license to start his own business of medicine supplier and because of the business rivalry he has been falsely implicated. Hence, it is prayed that he may be released on anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that this applicant has received huge amount from various concerns to whom medicines were supplied by the complainant's company and thereafter misappropriated the same, hence, no case is made out for grant of anticipatory bail.
4. Heard the parties and perused the case diary.
5. According to FIR lodged by complainant Rakesh Goyal this applicant was working as salesman in Astha Enterprises, a medicine supplier company. The applicant being responsible to make collection of the price of medicines supplied has collected the payment from various concerns but did not deposit the same in the account of the complainant concern. It is alleged that this applicant has embezzled amount to the tune of Rs.40 lakh between the years 2013 to 2016.
6. Considered on all the material present in the case diary. Perusal of the investigation made so far reveals that it is not a case in which the investigation is dependent on the arrest and detention of this applicant, as all the evidence are available in records of the concerns to whom the medicines were supplied and the payments made by them, which has not been done so far. Hence, for this reasons, I am of this view that this is a fit case where applicant should be released on anticipatory bail .
7. 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 the 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 them by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge