

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 790 of 2018

- Shajee S. S/o Late P. Shrirangan Aged About 41 Years R/o- Hinduja Leyland Finance Co. Ltd. Above Vijaya Bank First Floor, In Front Of R.B.I. Branch Raipur, Mahadev Ghat Road, Sunder Nagar, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Sho, Police Station, Civil Lines, Bilaspur, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Vaibhav A. Goverdhan, Advocate.
For Respondent/State	:	Mr. Rahul Tamaskar, Panel Lawyer.
For Objector	:	Mr. Animesh Verma, 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.512/2018 registered at Police Station-Civil Lines District – Bilaspur(C.G.), for the offence punishable under Section 384 of the Indian Penal Code.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. This applicant happens to be the State Manager of the concerned Hinduja Leyland Finance

Company Ltd. where complainant Manish Gupta was Hub Manager. The complainant has lodged totally false FIR against the applicant that this applicant forced the complainant to resign from his job, making difficult for the complainant to obtain job in another company and that the applicant is making a demand of Rs.2 lakh, which is totally improbable story. The fact is this that the complainant himself has committed fraud with the company because of which action was taken against him and he has been asked to deposit the amount involved in the fraud. The complainant has falsely implicated this applicant only to get rid of his liabilities. Hence, it is prayed that applicant be benefited with grant of anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that as per evidence available in the case diary, a clear case of extortion is made out against the applicant. Hence, the bail application be rejected.
4. Adopting the arguments advanced by learned State Counsel, it is submitted by learned counsel for objector that applicant has been torturing the complainant from the very beginning. Firstly the complainant was employee in HDFC Bank where the applicant was Senior Officer and because of the harassment given by this applicant, the complainant left the job and joined in Hinduja Leyland Finance Company Ltd. and here also due to harassment given by the applicant he had to resign and then he joined another job in Manappuram Finance Company. It is alleged that this applicant again created situation against the complainant by giving wrong informations to the Officers of Manappuram Company, because of which the complainant was compelled to leave the job. Thus, the applicant is continuously

harassing the complainant so that he may not get job in any company, because of which he should not be granted anticipatory bail.

5. Heard both the parties and perused the case diary.
6. FIR has been lodged on 9.6.2018 by complainant M.K.Gupta that this applicant is making an illegal demand of Rs.2 lakh from him and giving him harassment continuously. Hence, this case.
7. Perused the documents attached with the application for grant of anticipatory bail. A complaint was made by incharge of Hinduja Limited Finance Company to Police-station-Civil Lines, Bilaspur against the complainant about defalcation. On 5.2.2018 a report about the fraud committed by the complainant has been prepared by the company. As it appears that the complaint against the complainant is anti dated and there appears to be a liability on the complainant to make refund of the amount which has been shown as defalcated in the report by the company. The further investigation shall reveal truth of the allegations made by the complainant in this case, which can be completed with the co-operation of the applicant for which his arrest and detention is not considered as compulsory. Hence, after due consideration on entire material present in the record of the case, I am of this opinion that applicant should be granted anticipatory bail.
8. 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

Nisha