

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1024 of 2018

- Bharat Tiwari S/o Shri Late F. P. Tiwari Aged About 62 Years R/o S. M. A. 13, Padumnagar, Bhilai District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh And Anr. Through The District Magistrate Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
- M. A. Iqbal S/o Late M. A. Rajjak Aged About 61 Years R/o 8/62, Gandhi Chowk, Chhotapara, Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Respondent

For Applicant : Mr. Sudeep Johri, Advocate.
For Respondent : Mr. Avinash Kumar Mishra, Panel Lawyer.
For Objector : None appears for the Objector even when the case is called out for hearing in the 3rd round.

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

14/12/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with complaint case No.510/2017 pending before the Court of JMFC, Raipur, for trial in offence punishable under Sections 417, 419, 420, 467, 468 & 471 of the Indian Penal Code (for short 'IPC').
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. Applicant is one of the office bearers of Electricity Employees Association. The complainant has made allegation regarding manipulation of the accounts of the

association against this applicant and two other co-accused persons, which is totally false. The co-accused persons have been granted bail by the trial Court itself. In further development, both the parties had settled their dispute before the Industrial Court, Raipur. Copy of the order-sheet of that Court is attached as Annexure-A2 for perusal of this Court. Hence, under these circumstances, I is prayed that this applicant may be granted anticipatory bail.

3. Learned State counsel opposes the bail application and makes formal objection.
4. Complainant/Respondent No.2 is not represented.
5. Heard both the parties and perused the case diary.
6. The allegation against this applicant and the co-accused is this, that being the office bearers of Electricity Employees Association (federation) the applicants were making collection of prescribed fees from the employees and thus have committed the economic offence.
7. Considered on the material present in the case diary, and that the similarly placed co-accused persons have been benefited with grant of regular bail, for this reason, I am of this view that this is a fit case where the applicant should be enlarged on anticipatory bail.
8. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicants 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