

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1160 of 2018

- Prabhavi Biotech Pvt. Ltd. Director- Bharat Patel, S/o Ramkhelavan Patel, Aged About 42 Years, R/o- House No. 173, Srg Adharshila, Barkheda, Pathani, Bhopal, Madhya Pradesh., District : Bhopal, Madhya Pradesh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Mahasamund, District- Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Respondent

For Applicant : Mr. Siddharth Dubey, Advocate.
For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

20/09/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.240/2018 registered at Police Station- Mahasamund, District – Mahasamund (C.G.), for the offence punishable under Sections 420, 34 of the Indian Penal Code (for short 'IPC').
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in the crime in question. Applicant is the Director of Biotech & Training Private Limited. The amount has been disbursed to the applicant by the Punjab National Bank after

submissions of bills of work done by the applicant. The complainant is making totally false allegations, which stand refuted, on the basis of the document that has been filed along with the application which are the bills of work done and the photographs of project. According to the condition in the loan agreement, the amount of work done is to be disbursed directly to the party implementing the same and therefore the company of this applicant being the implementing agency has received the payment for the work done. No case is made out of cheating. Hence, it is prayed that he may be released on anticipatory bail.

3. Learned counsel for the respondent/State opposes the application and submissions made in this respect. It is submitted that as per allegations made by the complainant, no work has been done and on the basis of forged bills, disbursement from the account of complainant has been made in favor of the applicant by the then Bank Manager of the bank, who is also co-accused in this case.
4. In the year 2014 the company of the applicant had obtained loan from the bank for the construction of Poly House in village Labhrakala, Mahasamund under the scheme of the National Horticulture Board. As per the agreement, on submission of bills of work done, the amount was to be disbursed directly in the bank account of the implementing agency. However, the applicant in collusion with the bank officer got disbursed a sum of Rs.12,39,000/- from the account of the complainant on the basis of forged bills and papers submitted by the applicant. Grievance of the complainant is that prior to disbursal of amount from the account of complainant to the applicant, the consent of the complainant has not been obtained.

5. After due consideration on entire material present in the case diary, I am of this view that this is a fit case where the applicant should be enlarged on anticipatory bail.
6. Accordingly, the anticipatory bail application of applicant 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/- each 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.

Sd/-

(Rajendra Chandra Singh Samant)

Judge