

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 504 of 2017**

- Subhash Gupta S/o Krishna Prasad Gupta, Aged About 33 Years, R/o P. T. Line, Bishra Road, Police Station Plant Site, Raulkela Odisha

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Urla, District Raipur Chhattisgarh

----Non-applicant

For Applicant : Shri Vineet Kumar Pandey, Advocate.
 For Non-applicant/State : Shri Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****04/01/2018**

1. Apprehending arrest in connection with Crime No.07/2015, registered at Police Station – Urla, District – Raipur (C.G.) for offence punishable under Section 403, 406, 407, 408, 352, 417, 426, 506, 34 of the IPC, applicant has preferred this application for grant of anticipatory bail.

2. It is submitted by the learned counsel for the applicant that the applicant had been an employee of Shyam Logistics transporting company and was working as Supervisor. The contract of transport had taken place between the owner of Shyam Logistics transporting company, Din Dayal Agrawal and Jai Balaji Industries Limited. The goods that were transported were actually misappropriated by the owner of transport company and a compromise is arrived at between Din Dayal Agrawal and Jai Balaji Industries Limited, because of

which, Din Dayal Agrawal and one another have been acquitted of all the charges on the basis of compounding of the offences before the trial Court. Charge sheet has been filed showing the applicant as absconder, whereas, the applicant was always available and he was never informed by the police about the filing of the charge sheet. Therefore, under these circumstances, it is prayed that the applicant may be granted anticipatory bail.

3. Learned counsel for the non-applicant/State opposes the application and the submission made in this respect. It is submitted that the statement of the witnesses disclose that the applicant was the person who instructed the truck drivers to take load of substandard goods to be transported to Jai Balaji Industries Limited, because of which the dispute arose and the main accused Din Dayal Agrawal admitted about the misappropriation of the consignment and issued the cheque for reimbursement in favour of the Jai Balaji Industries Limited. It was when the said cheque was dishonoured, the complaint has been filed. The applicant has always remained absconded, because of which the charge sheet was filed in his abscondence. Hence, he is not entitled for grant of anticipatory bail.

4. I have heard the learned counsel for the parties and perused the case diary.

5. The case against the applicant is this, that the consignment that was to be transported by Shyam Logistics and supplied to Jai Balaji Industries Limited worth Rs.17, 96,000/- was misappropriated and not supplied to the cosignee.

6. Considered on the submissions made and contents of the case diary. It appears that main accused in this case is Din Dayal Agrawal who has already been acquitted by the trial Court on the basis of the compromise, and the applicant had been an employee under him working on his instructions. Taking into consideration all the facts, this Court is of the considered view that this is a fit case where the applicant should be benefited with grant of anticipatory bail.

7. Accordingly, the anticipatory bail application is allowed. 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil