

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 374 of 2019**

Umesh Nirmalkar, S/o. Nand Lal Nirmalkar, Aged About 35 Years, R/o. Ward No. 10, Nawagaon, Bagbahara, Police Station And Tahsil Bagbahara, District Mahasamund Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : Outpost -Jutmil, (Police Station City Kotwali) (Not Mentioned In Impuged Order), District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- Respondent

For Applicant	: Mr. Basant Dewangan, Advocate
For Respondent	: Mr. Rahim Ubawani, P.L.
For Objector	: Mr. Krishna Gopal Yadav, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****09/04/2019**

1. Apprehending arrest in connection with Crime No.132/2019, registered at Police Station – City Kotwali, Out Post Jutmil, District – Raigarh (C.G.) for offence punishable under Section 408 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant on the basis of the material present in the case diary. The applicant and the complainant both had some financial transaction between them and because of some misunderstanding, the complainant has lodged FIR against this applicant and now the dispute has been settled between both the parties, regarding which a copy of an agreement has been filed as additional documents, in which it is stated that all the accounts

have been settled, therefore, it is prayed that the applicants be granted anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. However, it is submitted that on verification, the documents filed by the applicant it has been informed that the applicant and the complainant both have settled their dispute.
4. Counsel for the complainant makes statement before this Court, since the matter has been settled between the applicant and the complainant, the complainant has no objection, if the. anticipatory bail is granted to the applicant.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. According to the prosecution case, the applicant was employed on Boltech Engineering Company and assign work to supply articles against which he had received the price Rs.6.00 lakhs and the same was misappropriated by him. Hence this case.
7. Considered the submissions made and the contents of the case diary. After considering the entire material in the case diary and also considering on the statement of settlement made from both the sides and the confirmation by the State counsel, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
8. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
9. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge