

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 690 of 2019**

Piyush Pal, S/o. Shri Lakhanlal Pal, Aged About 30 Years, R/o. Chota, Ashok Nagar, Cudhiyari, Raipur, Chhattisgarh.

----Applicant***Versus***

State Of Chhattisgarh, Through : Station House Officer, Police Station Tikrapara, District Raipur, Chhattisgarh.

---- Respondent***AND*****M.CR.C.(A). No. 691 of 2019**

Sanjay Jaiswal, S/o. Shri Surendra Jaiswal, Aged About 33 Years, R/o. A -21, Vasundhra, Nagar, Changorabhata, Raipur Chhattisgarh.

----Applicant***Versus***

State Of Chhattisgarh, Through : Station House Officer, Police Station Tikrapara, District Raipur, Chhattisgarh.

---- Respondent

For Applicants	: Mr. S.S. Rajput, Advocate
For Respondent/State	: Mr. H.S. Ahluwalia, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****15/05/2019**

- Both the bail applications are heard and decided together by this common order as they are arising out of the same crime number and the incident.
- Apprehending arrest in connection with Crime No.129/2019, registered at Police Station – Tikrapara, Raipur, District – Raipur (C.G.) for offence punishable under Section 420, 406 & 120-B of the Indian Penal Code, the applicants have preferred this application for grant of anticipatory bail.
- It is submitted by the learned counsel for the applicants, that the applicants have been falsely implicated in this case. No case is made out against the applicants on the basis of the material

present in the case diary. The applicant – Sanjay Jaiswal was General Manager of RSU A2Z Health Plus Pvt. Ltd. Company and the applicant Piyush Pal was working as Relationship Manager in the same company. The allegation in the complaint against these applicants is inconsistent to constitute an offence against them. Both the applicants have resigned from the said company and the applicant Sanjay Jaiswal is working as freelancer and whereas, Piyush Pal has joined another company, which is a company of event management and health is not a subject of that company, therefore, the complaint against both the applicants are misconceived. Hence, for this reason, it is prayed that the applicants may be enlarged on anticipatory bail.

4. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that complainant has complained that these applicants have committed theft of information and that information is being used by the rival company thus causing loss the complainant company. Hence, the applicants are not entitled to be released on anticipatory bail.
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 FIR lodged, the applicants were holding position in the company as mentioned hereinabove. However, they left the company after stealing some information, data and important papers, which are being used by them to promote the business of rival company. Hence, this case.
7. Considered the submissions made and the contents of the case diary. After considering on the entire material present in the case

diary and the nature of allegation i.e. against both the applicants, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicants.

8. Accordingly, both the anticipatory bail applications filed under Section 438 of Cr.P.C. are allowed.
9. It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :
 - (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
 - (ii) that the applicants 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 applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge