

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1303 of 2019

- Rakesh Rathore S/o Late Kanti Lal Rathore Aged About 41 Years
R/o Uslapur, Bilaspur, Police Station Sakari, District- Bilaspur,
Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station
Azad Chowk, Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Yogesh Chandra, Advocate.
For Respondent/State	: Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

23/10/2019

1. The applicant has filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending his arrest in connection with crime no. 213/2019, registered at Police Station Azad Chowk, Distt. Raipur, Chhattisgarh for the offence punishable under Section 420 & 34 of the IPC.
2. In this case there are total two accused persons. As per prosecution story, complainant Sanjay Kedia lodged a report to the effect that his shop namely Varsh Steel is operated at Baiyathana Raipur. In the year 2018, Regional Manager of SRMB Surgan Pvt. Ltd. Compnay, Sales Manager Kuldeep and the applicant met with the complainant and entered into an agreement with respect to sale of material i.e. TMT Saria. It is alleged that the work order would be brought by the applicant and payment would be made by him. Thereafter,

complainant ordered one truck material, subsequently, the applicant being representative of the company stating that work order of Aradhya Traders and Himanshu Traders at Bilaspur has been received and asked the complainant to place purchase order and sent the payment to the company. Thereafter, material was brought by the complainant and he provided to both the above stated traders to the tune of Rs. 6,06,188/- and Rs. 5, 39,941/-. Out of which, Rs. 2 lacs was paid by the Aradhya Traders and Rs. 4,50,000/- was paid by Himanshu Traders. Subsequently, again the applicant stated that order has been received of Kishore Trader and Akul Buildcon Bilaspur. Subsequently, the sale amount was not received to the complainant, he communicated the regional manager but payment was not made. It was further alleged that thereafter the applicant gave a cheque of Rs. 21,00,000/- to the complainant which was dishonored.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. Prima facie no offence under Section 420 of the IPC can be made out against him. He was only a sales manager of the company and has no involvement in the crime. He further submits that complainant has supplied the material to the firm of Kishore Traders and Akul Buildcon Bilaspur, if the firms have not paid requisite amount, the applicant has no role to play in it.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and further considering the fact that material was supplied to Kishore Traders and Akul Buildcon Bilaspur and they have not made consideration amount to the

complainant. Without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicant.

7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:-
 - I. That the accused/applicant shall made himself available for interrogation before the concerned Investigating Officer as and when required;
 - II. The accused/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. The accused/applicant shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
 - IV. 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/-

(Arvind Singh Chandel)
Judge