

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1463 of 2018**

Bheemsen Tiwari, S/o. Late Shri Tulsi Tiwari, Aged About 35 Years,
Occupation -Journalism, R/o. Jaina Nivas Mali Deepa, Police Station
Chakradhar Nagar, District Raigarh Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through : The Station House Officer, Police Station
Chakradhar Nagar, District Raigarh Chhattisgarh.

---- Respondent

For Applicant	: Mr. Rajendra Tripathi, Advocate
For Respondent/State	: Mr. Lav Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****16/01/2019**

1. Apprehending arrest in connection with Crime No.360/2018, registered at Police Station – Chakradhar Nagar, Raigarh, 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 incident as alleged is of the year 2015, whereas, the FIR has been lodged on the basis of the written complaint dated 12.04.2018 after passing of more than three years. The applicant had borrowed some money from the person concerned and he has

returned to some of them and he intends to return rest of the money very soon. Therefore, it is prayed that the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. The case against the applicant is this that he was employed in the Haribhumi Press at Raigarh as incharge of recoveries in the year 2015. It is alleged that he made collection of Rs.4,69,082/- from various persons regarding publication of advertisement in the newspaper and the same was not deposited in the press regarding which complaint has been filed by Navin Mishra, employee of Hari Bhumi Publication. Hence, this case.
6. Considered the submissions and the contents of the case diary. Considering on the entire material present in the case diary and for the reason that the FIR has been lodged after passing of about three years and that there does not appear to be any requirement of custodial interrogation of the applicant, hence for this reason this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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

Balram