

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1720 of 2019**

Manoj Padhi S/o Murlidhar Padhi Aged About 38 Years Occupation Chief Chemist Maa Mahamaya Sugar Factory, Kerta, Resident Of Village Kerta, Police Station Pratappur, District Surajpur Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Pratappur, District Surajpur Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Prafull N. Bharat, Senior Advocate with Shri Rahul Mishra and Shri C.S. Padhi Mayank Chandrakar, Advocates.
For the Respondent/State	:	Shri Neeraj Pradhan, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****08.11.2019**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.

2. This is the second bail application of the applicant filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 102 of 2019, registered at Police Station – Pratappur, District – Surajpur, Chhattisgarh for the offences punishable under Section 420/ 34 of the Indian Penal Code. The first bail application of the applicant was dismissed as withdrawn on 1.10.2019 in M.Cr.C.(A) No. 1331 of 2019.

3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is working as Senior Chemist in

Maa Mahamaya Sugar Factory, Kerta in Ambikapur. He is not an officer in the administration side. The allegations made by the complainant and others that the applicant has received money from them for passing their retention order is totally false and baseless. In fact, the applicant has been falsely implicated by two other ex-employees of the factory, namely, Anil Gupta and Abhishek Sinha who were removed from service after an enquiry on the basis that they had submitted forged certificate for their appointment, and the applicant was a member of the Enquiry Committee. Therefore, as a counter-blast they being associated with the complainant who were labourers of the factory made this false report against the applicant. Hence, it is also submitted that the investigation is now complete and there is no requirement of any custodial interrogation of the applicant. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that there is an ample evidence present against the applicant that he was the recipient of the amount by way of inducement given to the affected persons. Hence, the applicant is not entitled for grant of anticipatory bail.

5. Heard counsel for both the parties and perused the case diary.

6. According to the prosecution case, a complaint has been given that this applicant collected an amount of Rs.1,500/- from about 75 seasonal workers for passing orders of retention in job in the year 2018 and subsequent to which, no such order was passed. FIR has been lodged on 16.7.2019 by one Suresh Prasad who was a seasonal worker. On that

basis, the case has been investigated and the charge-sheet has been filed.

7. Considering that the applicant was not in the management of the said factory, the investigation is now complete and the case is now pending for trial, further, there appears to be no requirement of any custodial interrogation of the applicant, therefore, I feel inclined to grant anticipatory bail to the applicant in this case.

8. Accordingly, the anticipatory bail application is allowed and 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. He 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 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.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge