

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1669 of 2018**

Ramesh Singh, S/o. Late Shri Chhotelal Singh, Aged About 49 Years, R/o. Village- Sukh Das, Police Station- Indwar, District- Umariya, Madhya Pradesh. Present Address- House Of Shri K.K. Sinha, Kedarpur, Police Station- Kotwali, Ambikapur, District- Surguja, Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : Station House Officer, Police Station- Ambikapur, District- Surguja, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Arvind Shrivastava, Advocate
For Respondent/State	: Mr. A.N. Bhakta, Dy. A.G.
For Objector	: Ms. Priyanka Mehta, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****14/01/2019**

1. The first bail application filed by this applicant bearing M.Cr.C.(A) No.756/2018 was disposed off by this Court by order dated 31.08.2018 granting interim anticipatory bail to the applicant for a period of three months. Hence, this application has been filed under Section 438 of Cr.P.C. for grant of regular anticipatory bail.
2. The applicant is apprehending arrest in connection with Crime No.255/2018, registered at Police Station – Ambikapur, District – Surguja (C.G.) for offence punishable under Section 408 of the Indian Penal Code, has preferred this application for grant of anticipatory bail.

3. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. While the applicant was granted ad-interim anticipatory bail, he has given his appearance before the investigating officer and fully cooperated by getting all the documents in his possession seized for the investigation purposes. The dispute between the applicant and the complainant is with respect to the accounts, which is totally misunderstanding of the complainant. As the applicant has not misused the liberty given to him and he has abided by the order passed by this Court, therefore, it is prayed that the applicant 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 the applicant is resident of Umariya (M.P.) and in case he is released on bail, he may not be available for further investigation or for trial against him, therefore, it is prayed that the bail application be rejected.
5. Counsel for the objector submits that during the investigation, number of documents have been seized from the possession of the applicant, which are sufficient to prove the guilt of defalcation against him, hence, looking to the gravity of the case, the applicant may not be released on anticipatory bail.
6. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
7. FIR has been lodged by the complainant Krishna Kanhaiya Agrawal alleging that this applicant, who was employed as Manager of his

petrol pump for about 14 years has made defalcation of Rs.2.50 lakhs or more. Hence, this case.

8. Considered the submissions and the contents of the case diary. After considering on the entire material present in the case diary, it appears to be a case of dispute of accounts. Further this applicant, who had been granted interim anticipatory bail and he has cooperated with the investigation by making himself available before the investigating officer, hence, under these circumstances I am of this view that there is no further requirement of his arrest, detention and interrogation by the police, hence for this reason, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
9. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
10. 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