

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 168 of 2020

1. Vinod Jaiswal S/o Shri Kanti Jaiswal Aged About 39 Years R/o Village Beltara, Police Station Ratanpur, District Bilaspur, Chhattisgarh.
2. Gaya Jaiswal S/o Shri Narmada Jaiswal Aged About 34 Years R/o Village Beltara, Police Station Ratanpur, District Bilaspur, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through, Station House Officer, Police Station Ratanpur, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicants	: Ms. Indira Tripathi, Advocate.
For Respondent/State	: Mr. Devesh Chandra Verma, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

17/06/2020

1. The applicants have filed this second bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as they are apprehending their arrest in connection with crime no. 238/2019, registered at Police Station Ratanpur, District Bilaspur (C.G.) for the offence punishable under Sections 408/34 of the IPC.
2. First bail of the Applicants was dismissed for want of prosecution vide order dated 21.11.2019 passed in MCRCA No. 1165/2019.
3. According to the case of prosecution, the applicants have been appointed as a Supervisor at Sharda Maa Ratanpur Coal Benification Pvt. Ltd. On 07.04.2019, a caretaker of said Coal Pvt. Ltd. namely Vijay made a report alleging therein that the applicants misappropriated the property of Sharda Maa Ratanpur Coal Benification Pvt. Ltd. i.e. 10 tons of iron rods, 30 tractors of sand and one truck rubble. On the basis of said report, offence has been registered.
4. Learned counsel appearing on behalf of the applicants submits that the applicants are innocent and have been falsely implicated in the present case. She further submits that the applicants were only the Supervisor of said Coal Pvt. Ltd., they have not received their salary from last 20

months, the said Coal Pvt. Ltd. was not working since February 2019 and when the applicants have demanded for their wages, a false and fabricated report has been lodged against them by the complainant. *Prima facie* no case can be made out against them. Hence, it is prayed that they may be granted benefit of anticipatory bail.

5. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned Counsel for both the parties.
7. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and after perusal of statements of the witnesses. Without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicants.
8. Accordingly, the anticipatory bail application is allowed.
9. It is directed that in the event of arrest, the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the officer arresting them and they shall abide by all the following terms and conditions:-
 - I. That accused/applicants shall made themselves available for interrogation before the concerned Investigating Officer as and when required;
 - II. The accused/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. The accused/applicants shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
 - IV. 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.

Sd/-
(Arvind Singh Chandel)
Judge