

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No. 479 of 2020**

- Shabir Husain S/o Late Abdul Hafeez Firdousi Aged About 40 Years R/o Bargidih, Police Station And Tahsil Lundra, District Surguja Chhattisgarh

**---- Applicant****Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Lundra, District Surguja Chhattisgarh

**---- Respondent**


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| For Applicant | : | Shri CJK Rao, Advocate            |
| For State     | : | Shri Sudeep Verma, Dy. Govt. Adv. |

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**Hon'ble Shri Justice Manindra Mohan Shrivastava****Order On Board****26/06/2020**

Heard.

The applicant is apprehending his arrest in connection with Crime No.24/2020 registered at Police Station – Lundra, District - Surguja (CG) for alleged commission of offences under Section 420, 506, 294 IPC.

2. Prosecution allegation is that the applicant, who was working as Contractor engaged in the work of installation of electric pole and laying of line engaged complainant's labours assuring them that they will be paid proper labour charges relating to work of installation of pole and laying of lines but after completion of work, the applicant did not pay the amount as assured and despite repeated requests, only a penny was paid to the labourers.

3. Learned counsel for the applicant would submit that the allegations on the face

of it are not made out in as much as even according to the complainant, present is a case of civil dispute. It is submitted that except oral complaint, there is no document that the work was agreed to be completed on the rate as alleged in the complaint.

4. On the other hand, learned State counsel on the face of complaint made by the labourers for payment as assured to them was not paid, it is a case of cheating.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that the complaint is regarding non-payment of labour charge as claimed by the labours and there is no document in writing that the applicant had agreed to pay at particular rate, present is a fit case for grant of anticipatory bail.

6. Accordingly, this application is allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the arresting officer and he shall abide by all the following terms and conditions -

- (i) that the applicant shall make himself available for interrogation by a Police Officer as and when required;
- (ii) that he 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.

Certified copy as per rules.

Sd/-  
(Manindra Mohan Shrivastava)  
Judge