

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 659 of 2020**

Vishal Singh Rajput S/o Late Amar Singh, aged about 52 years R/o Shubham Vihar, Sun City Distt. Bilaspur (C.G.)

---- Applicant

Versus

State of Chhattisgarh through Police Thana Jashpur, Distt. Jashpur (C.G.).

---- Respondent

For Applicant	:	Mr. Sanjay Agrawal, Advocate
For Respondent	:	Mr. Alok Nigam, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

16/07/2020

1. The matter is heard through video conferencing.
2. The applicant has filed this application under Section 438 of the Cr.P.C for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No. 113/2018 registered at police station – Jashpur, District Jashpur (C.G.) for the offence punishable under Sections 420 & 406 of the IPC.
3. Case of the prosecution is that initially an agreement was executed between the applicant and the Complainant, wherein it was agreed that the applicant will have the charge of the agency for publishing the advertisement in the newspaper and all the revenue collected through the advertisement will be given to the Complainant. It is alleged that the applicant had not paid total amount of Rs. 3,98,779/- for the period of 15/08/2016 to 30/11/2016 to the Complainant. The Complainant filed a complaint under Section 156 (3) of the Cr.P.C before the

Magistrate and on the directions given by the concerned Magistrate, an FIR has been registered against the applicant on 07/06/2018.

4. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in this case. He further submits that the entire case is of civil nature. Prima-faice no case is made out against the applicant. Virtually the real dispute arose when the applicant demanded his salary and other outstanding expenses which the Complainant had not paid even after agreeing to a salary of Rs. 12000/- per month. The applicant was not paid salary from the month of March 2015 to December 2016. He further submits that at the time of execution of agreement, the applicant had deposited Rs. 50,000/- as a security which was also not returned by the Complainant. Thereafter, to create pressure upon the applicant, a false and fabricated report has been lodged. He prays to extend the benefit of anticipatory bail to the applicant.
5. Learned counsel appearing on behalf of the State opposes the said application.
6. I have heard counsel for the parties.
7. Considering the facts and circumstances of the case and the argument advanced by counsel for the parties, particularly considering the allegations leveled against the applicant and the fact that the incident is of the year 2015-16, without further commenting on other merit of the case, I am inclined to extend the benefit of anticipatory bail to the applicant.
8. Accordingly, the anticipatory bail application is allowed.

9. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a bond in the sum of Rs.10,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:

- i. That, the accused/applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required;
- ii. The accused/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. The accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- iv. 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.

10. Certified copy, as per rules.

Sd/-

(Arvind Singh Chandel)
Judge