

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 761 of 2020

Ramsingar Pandey S/o Shri Saligram Pandey Aged About 38 Years Posted As Assist. Branch Head, SIS India Limited, Having Its Office At Second Floor, 210, M. M. Solver Plaza, New Rajendra Nagar, Ring Road No. 1, Raipur, District Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Mandir Hasaoud, District Raipur, Chhattisgarh

---- Respondent

For Applicant : Mr. Yogesh Pandey, Advocate.

For Respondent/State : Ms. Hamida Siddiqui, Dy. A.G.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

05/08/2020

1. The matter is heard through video conferencing.
2. The applicant has filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending his arrest in connection with crime no. 76/2020, registered at Police Station Mandir Hasoud, Distt. Raipur (C.G.) for the offence punishable under Section 384 of the IPC.
3. As per prosecution story, the applicant is the Branch Manager of one SIS Company, Branch Raipur. Complainants Thakeshwar Sahu, Nitesh Kumar Sahu, Lalti Kumar Sanjay Bandhe, Rikhiram Sahu, Nem Singh Sivare, Ashok Kurre and others were also working there as security guards. On 01.04.2019, they made a written complaint to the Chief Minister of the State alleging therein that from 29.03.2019, the applicant illegally demanding Rs. 25,000/- from each of the security guard and threatened them if they refused, he will through them out of service. On the basis of said written complaint, an enquiry was conducted and thereafter on 29.02.2020 FIR has been lodged against the applicant.
4. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case.

He further submits that on the contents of FIR itself, prima facie no case under Section 384 of the IPC can be made out against the applicant, ingredients of Section 384 of the IPC is missing, therefore, no case can be made out against him. Hence, it is prayed that he may be granted benefit of anticipatory bail.

5. Per contra, learned counsel appearing on behalf of 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. Without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant 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 personal bond for a sum of Rs. 25,000/- with one solvent 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 accused/applicant shall made 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.
 - V. In the future, if the applicant will do the same nature of offence, this order shall automatically stands canceled without further reference to this Court.

Sd/-
(Arvind Singh Chandel)
Judge