

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 717 of 2020

Sidharth Baghel S/o Shri Sukhdev Baghel Aged About 39 Years R/o Village Telasi, P.S. Gidhpuri, District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh Through P.S. Supela, District : Durg, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Anchal Kumar Matre, Advocate.
For Respondent/State	:	Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

16/07/2020

1. The applicant has filed this first 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. 285/2020, registered at Police Station Supela, Distt. Durg, Chhattisgarh for the offence punishable under Section 420 of the IPC.
2. According to the case of the prosecution, the present applicant is the main partner with 51% of shares of partnership firm namely "M/s. Umang Force" dealing in sales, service of spares of Force Motors Ltd. The complainant was also a partner in the same firm with 24% shares along with one Mrs. Vandana Roy holding 25% shares. The complainant continued with the firm for around 5 years and on 06.08.2019, he left the firm. Thereafter, on 13.05.2020 the FIR has been lodged by the complainant against the present applicant alleging in it that the applicant had given him assurance of monthly salary of Rs.50,000/- out of total profits of the firm and has failed to do so for last five continuous years, therefore, present applicant committed crime in question. On the basis of said report made by the complainant offence has been registered against the present applicant.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case due to some previous enmity between the complainant and applicant. He further submits that the matter is purely civil in nature. *Prima facie* no case under Section 420 of the IPC can be made out against the applicant. Hence, it is prayed that he may be granted benefit of anticipatory bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties.
6. 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 gone through the contents of the FIR and other materials available on record. 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.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond in the 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 the 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.

Sd/-

(Arvind Singh Chandel)
Judge