

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 949 of 2020**

1. Shivendra S/o Omprakash Chandrakar, Aged About 34 Years R/o Abhilash Parisar New Bus Stand Tifira, District- Bilaspur, (C.G.)
2. Pradeep S/o Pardeshi Ram Suryawanshi, Aged About 36 Years R/o Mannadola Tifara, Police Station- Sirgitty, District- Bilaspur, (C.G.)
3. Jitendra S/o Saukhilal Joge Aged, About 28 Years R/o Sharda-Nagar Talapara Bilaspur, Police-Station- Civil-Line, District- Bilaspur, (C.G.),
4. Ranjish Kumar S/o Upendra Singh Aged About 28 Years R/o Agyeynagar Near Maharana Pratap Chowk Police-Station-Civil Line Bilaspur, (C.G.),

---- Applicants**Versus**

State Of Chhattisgarh Through Its Police-Station- Sirgitty Civil And Revenue District- Bilaspur, (C.G.).

---- Respondent

For Applicant No. 1	:	Mr. Deepak Gupta, Advocate
For Applicant Nos. 2, 3 & 4	:	Mr. Awadh Tripathi, Advocate
For Respondent	:	Mr. Ghanshyam Patel, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****21/09/2020**

1. The matter is heard through video conferencing.
2. Counsel appearing on behalf of the applicant Nos. 1, 2 & 3, after arguing some time, submit that they want to withdraw this bail application with respect to applicant No. 1, 2 & 3. However, they submit that a direction may be given to the trial Court that in the event of surrender of the applicant Nos. 1, 2 & 3 before the said Court and

filing of regular bail application on their behalf, the said Court shall decide the bail application as early as possible preferably on the date of its filing.

3. Considering the above, the bail application is dismissed as withdrawn against applicant Nos. 1, 2 & 3. It is directed that in the event of surrender of the applicant Nos. 1, 2 & 3 before the trial Court and filing of regular bail application on their behalf, the trial Court will decide the said bail application as early as possible, preferably on the date of its filing.
4. This application under Section 438 of the Cr.P.C is now considered only for applicant No. 4 who is apprehending his arrest in connection with Crime No. 322/2020 registered at police station – Sirgitty, Civil and Revenue District Bilaspur (C.G.) for the offence punishable under Sections 407 & 411 of the IPC.
5. According to the case of the prosecution, applicant Nos. 1, 2 & 3 were working as Parts Manager, Technician and Working Supervisor at Satya Trucking Pvt. Limited, respectively. On 11/07/2020, an FIR has been lodged by the present Shop Manger of the said Satya Trucking Pvt. Limited alleging therein that applicants Nos. 1, 2 & 3 embezzled parts and engine oils of the Satya Trucking Pvt. Limited total amounting to Rs. 1 lakh and thereby they committed criminal breach of trust of the Satya Trucking Private Limited. It has also been alleged that applicant No. 4 had purchased the engine oil amounting to Rs. 9000/- from applicant No. 1. On the basis of the above report, offence has been registered.

6. Learned counsel appearing on behalf of applicant No. 4 submits that applicant No. 4 is innocent and has been falsely implicated in the present case. He further submits that applicant No. 4 had purchased the engine oil from applicant No. 1 bona-fidely and the payment was made through on-line, therefore, prima-faice no case is made out against the applicant No.4. He prays to extend the benefit of anticipatory bail to applicant No. 4.
7. Learned counsel appearing on behalf of the State opposes the said application.
8. I have heard counsel for the parties.
9. Considering the facts and circumstances of the case, argument advanced by counsel for the parties and the allegations made against applicant No. 4 and also the evidence collected by the prosecution against him, without further commenting on other merit of the case, I am inclined to extend the benefit of anticipatory bail to applicant No. 4.
10. Accordingly, the anticipatory bail application is allowed with respect to applicant No. 4, Ranjish Kumar only.
11. It is directed that in the event of arrest, applicant No. 4, Ranjish Kumar 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.

12. Certified copy, as per rules.

**Sd/-
(Arvind Singh Chandel)
Judge**

Rahul