

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1982 of 2019

Pankaj Soni S/o Late Devnath Soni Aged About 31 Years R/o Atal Bihari Bajpai Ward Dharampura, District Baster Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, P.S. Bodhghat , District Baster Chhattisgarh.

---- Respondent

For Applicant	: Mr. Varun Sharma, Advocate.
For Respondent/State	: Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

04/03/2020

1. 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. 187/2019, registered at Police Station: Bodhghat, District: Bastar (C.G.) for the offence punishable under Section 420 & 406 of IPC.
2. The present Applicant is the Branch Manager of one company namely Shoora Retail. As per the prosecution story, it has been alleged that during the month of May, 2019 to July, 2019, the present Applicant had misappropriated funds of consumers to the tune of Rs.3,51,951/-. On being enquired, he made a written confession and also gave blank cheques for returning the said money. On the basis of said, offence has been registered.
3. Learned counsel appearing on behalf of the applicant submits that the applicant has been falsely implicated in the present case. He submits that Prima Facie no case is made out against the Applicant because he has not given any cheque and not given any confession. He also submits that virtually at the time of joining of service blank papers and 2 blank cheques were obtained from the Applicant along with his signature in it and later on the said were misused by the complainant. It is further submitted by the

counsel that if the said crime had been committed by the Applicant, he would have given the cheques with the amount which is misappropriated by him not the blank cheques thus, it appears that the complainant had misused the cheques and blank paper given by the Applicant. Thereby virtually forgery has been done by the complainant itself therefore, he prays for grant of anticipatory bail to the Applicant.

4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for the parties.
6. Considering the facts and circumstances of the case, arguments advanced by counsel for the parties and evidence adduced by the prosecution, without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant of 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 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/applicants 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