HIGH COURT OF MADHYA PRADESH

M.Cr.C. No.44218/2020

(**RAIS AHMAD Versus THE STATE OF M.P.**)

PRESENT : HON.SMT. NANDITA DUBEY, J. (THROUGH VIDEO CONFERENCING)

Jabalpur: Dated: 03.12.2020

Shri K.C. Ghildiyal, learned counsel for the applicants.

Shri H.S. Hora, learned Panel Lawyer for the respondent/State.

Shri Y.S. Baghel, learned counsel for the objector.

Heard.

This is the first bail application filed by the applicants under Section 438 of Cr.P.C. for grant of anticipatory bail.

So far as applicant No.1 Rais Ahmad is concerned, he has already been arrested, hence, this anticipatory bail application with regard to applicant No.1 Rais Ahmad has rendered infructuous.

The applicants No.2 to 4 apprehend their arrest in connection with Crime No. 783/2020 registered at Police Station Shahdol, District Shahdol for the offences punishable under Sections 409, 467, 468, 471, 120 B of IPC.

As per prosecution story, complainant Virendra Singh filed a complaint before the police authority that his buses were used for transporting the unorganised labourers for the Maha Panchayat Rally at Panagar, Jabalpur in the year 2018, however, he has not received payment till date. On the basis of this complaint, an FIR was registered wherein it was further added that the applicants have embezzled the amount by preparing forged bills for the buses which were cancelled.

It is contended by learned counsel for the applicants No.2 to 4 that they have been falsely implicated, there are no allegations against them. He further submits that the buses were requisitioned in the year 2018 for transporting the labourers for the Maha Panchayat Rally at Panagar, Jabalpur and the bills were submitted to the Labour Officer who after verification has issued the cheques in the name of Naved Bus Service, which were received by applicant No.4 Ashik Ali as proprietor of Naved Bus Service. It is submitted that the complainant is a competitor of the applicant No.4 and his permit had been cancelled and due to the cancellation of his permit he has filed the complaint after a period of two years regarding non-payment of the amount and the police authorities without verifying the allegations have implicated the present applicants.

Learned Panel Lawyer for the respondent/State submits that the FIR was registered on the basis of complaint filed by the private complainant. He fairly submits that though query was sent to the RTO as well as to the Labour Officer, however, no reply has been received till date from them. He further submits that one other bus operator Purnendra Singh has also stated that he has also not received any amount but has not filled any complaint regarding non-payment of the dues till date.

On due consideration of the FIR, case diary and statement, it is apparent that the buses were requisitioned for transporting the labourers for the Maha Panchayat Rally at Panagar, Jabalpur for two days in the month of February, 2018, after that no complaint was lodged by any of the bus operators. However, after a period of two years, complainant Virendra Singh has lodged a complaint that he has not received any payment for his buses that have

been used in the said rally. Prima facie it seems to be a dispute of civil nature, hence, this application is allowed.

It is directed that in the event of arrest, **applicants No.2 Nafees Ahmad, No.3 Mohammad Khan and No.4 Ashik Ali** shall be released on bail on their furnishing a personal bond in the sum of **Rs. 50,000/- (Rs. Fifty Thousand only) each** with one surety each in the like amount to the satisfaction of arresting officer.

This order will remain operative subject to compliance of the following conditions by the applicants:-

1. The applicants will comply with all the terms and conditions of the bond executed by him;

2. The applicants will make themselves available as and when called for interrogation and cooperate in the investigation/trial, as the case may be;

3. The applicants will not indulge themselves in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to the Police Officer, as the case may be;

4. The applicants will not seek unnecessary adjournments during trial;

5. The applicants will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be; and

6. If the applicants commit any offence while being on anticipatory bail, then this order shall automatically stand cancelled without reference to the Court.

A typed copy of this order be forwarded by the Registry to the Office of the Advocate General and to Mr. H.S. Hora, learned Panel Lawyer, on their respective email addresses, for intimation to the police station concerned.

Certified copy/e-copy as per rules/directions.

(Nandita Dubey)
Judge

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