

(Proceedings through video conferencing)

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No.752 of 2021

- Manoj Mishra, S/o Shri Vijay Kumar Mishra, aged about 58 years, R/o Gayatri Nagar, Raipur, District Raipur (CG)

---- Applicant

Versus

- State of Chhattisgarh, through Police Station Incharge Thana Koni, District Bilaspur (CG)

---- Non-applicant

MCRCA No.753 of 2021

- Manab Paul, S/o Shri Satyendra Nath Paul, about 54 years, R/o D-5/21, Gayatri Nagar, Shankar Nagar, Raipur, District Raipur (CG)

---- Applicant

Versus

- State of Chhattisgarh, through Police Station Incharge Thana Koni, District Bilaspur (CG)

---- Non-applicant

MCRCA No.752 of 2021

For Applicant	:	Mr. Anand Mohan Tiwari, Advocate
For Non-applicant	:	Mr. B.L.Sahu, Panel Lawyer

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MCRCA No.753 of 2021

For Applicant	:	Mr. Anand Mohan Tiwari, Advocate
For Non-applicant	:	Mr. B.L.Sahu, Panel Lawyer

Hon'ble Mr. Justice Parth Prateem Sahu

Order On Board

27/7/2021

1. As the above anticipatory bail applications arise out of the same crime number, they are being heard together and decided by this common order.

2. The applicants have preferred above two anticipatory bail applications as they apprehend their arrest in connection with Crime No.70/2021 registered at Police Station Koni, Bilaspur (CG) for commission of offence punishable under Section 420, 34 of IPC.
3. Case of the prosecution, in brief, is that on 7.4.2021 complainant Sanjay Kumar Patle lodged complaint stating therein that he was employed as 'Security Guard' by M/s Ideas Inc Management Private Limited Company. Present applicants are Directors of the said company. It is further alleged that the complainant is working as Security Guard since 2016. Monthly salary of Rs.10,500/- was being deposited in his bank account. Amount towards GPF and GIS are deducted at times and at times the same are not deducted. This fact was brought to the notice of the Management of University on several occasions but no action was taken. The complainant also contacted Shri Anil Kumar Baghel, newly inducted Director of the Company and said Anil Kumar Baghel informed that thousands of rupees are being deducted towards advance and PF which they have not received at any point of time. A chart of PF & ESIC shown to be deposited occasionally by the Company and deduction of advance amount from salary mentioned in the register shown to them by said Anil Kumar Baghel bears their forged signature. Based on the said complaint, instant crime is registered against present applicants.

4. Mr. Anand Mohan Tiwari, learned counsel appearing on behalf of both the applicants would submit that present applicants are Directors of the Company. To manage the work of Company at Bilaspur they have inducted one Anil Kumar Baghel as Director and the irregularities/illegalities, if committed, are during the regime of said Anil Kumar Baghel, who has now resigned from the post of Director. Present applicants have also filed complaint against said Anil Kumar Baghel. He referred to the document Annexure P-7 to submit that on the notice issued by the Regional Commissioner (Central), Labour Office, Bilaspur with regard to payment and deduction towards PF, reply has been submitted admitting that due to pandemic Covid-19, there was delay in deposit of the same. He further referred to the notice issued by the Superintendent of Police, Bilaspur dated 26.3.2021 (Annexure P-9) and submitted that vide Annexure P-10 reply was submitted by present applicants explaining all the allegations made against them. Amount of salary is deposited directly in the bank account of employees and there was no occasion for them to make any illegal deduction. Applicants are ready to cooperate in the investigation and to place all the material before the police. Hence, the applicants may be granted anticipatory bail.
5. Mr. B.L. Sahu, learned Panel Lawyer for the State opposes the submissions made by learned counsel for applicants and submits that specific allegations have been levelled against present applicants. He read over the agreement of the year

2019 executed between the Company of present applicants and Guru Ghasidas University, Bilaspur wherein it is mentioned that wages for Security Guard (without arm) would be Rs.23,054/- per month and Security Guard (with arm) would be Rs.25,697/- per month. He further submits that there is allegation in the complaint that in the register entry with respect to deductions towards advance taken by employees is made and forged signatures of employees are put in the register maintained by the Company. In reply to the notice issued by the police also the applicants have not filed any document to show the salary, advance taken by employee and deduction of amount from salary. Hence, there is prima facie allegation against present applicants of their involvement in instant crime.

6. I have heard learned counsel for the parties and perused the copy of FIR placed on record as Annexure P-2.
7. In the light of allegations made in FIR, a specific question has been put to learned counsel for applicants with regard to payment of salary/wages of the employees engaged by them, he submitted that as per instruction received by him, the Company is paying Rs.10,500/- per month as salary/wage and the same is being deposited directly in the bank account of employees. The wages/salary for the Security Guard (with arm) & Security Guard (without arm) fixed under the agreement executed in the year 2019 is Rs.22,054/- & Rs.22,697/- respectively, as per agreement deed of 2019.

Learned counsel for the applicants submits that after making statutory deductions, salary/wage is being deposited in the bank account of employees. However, he fails to place before this Court any document showing the amount of salary by filing salary slip on which employees have been engaged and deductions made from their salary / wages.

8. Considering the facts and circumstances of case, nature of allegations, documents placed on record, material available in case diary, signature of employees with regard to deduction towards advance made in the register alleged to be the forged signature of the employees, I am not inclined to grant anticipatory bail to present applicants.
9. Accordingly, both the applications are dismissed.
10. However, it is made clear that any observation made by this Court in this order is only with respect to consideration of anticipatory bail application. Any other proceeding to be initiated by applicants be decided on its own merit in accordance with law.

Sd/-
(Parth Prateem Sahu)
Judge

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