

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 697 of 2021**

Surendra Yadav, S/o Ramlal Yadav, Aged About 34 Years R/o Bhandaripara, Kanker Tahsil Kanker District Uttar Baster Kanker Chhattisgarh.

---- Applicant**Versus**

The State of Chhattisgarh, Through Police Station Kanker, District U.B. Kanker Chhattisgarh.

---- Non-applicant

 For Applicant : Shri Parag Kotecha, Advocate
 For Non-applicant/State : Shri Vimlesh Bajpai, G.A.

(Proceedings through Video Conferencing)
Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

27.07.2021

1. The applicant has preferred this first bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail, as he is apprehending his arrest in connection with Crime No.112 of 2021, registered at Police Station Kanker, District U.B. Kanker (C.G.), for offence punishable under Sections 406, 408, 34 of Indian Penal Code.
2. Case of the prosecution in brief, is that, on 29.04.2021 one Rupendra Vaisya owner of Rahul Servicing Agency lodged a written report against the present applicant and one Yogesh Dewangan stating therein that both of them have received money from the customers, but the said amount has not been deposited in the account of service centre. It is further mentioned that present applicant Surendra Yadav was working as Manager of

Rahul Servicing Agency and Yogesh Dewangan was working as Cashier. Against Yogesh Dewangan, allegation is of mis-appropriation of Rs.2,88,895/- and against present applicant, there is allegation of mis-appropriation of Rs.56,082/-. On the basis of written report, First Information Report was registered against present applicant and co-accused Yogesh Dewangan.

3. Shri Parag Kotecha, learned counsel for the applicant submits that anticipatory bail filed by co-accused Yogesh Dewangan was rejected by this Court on 16.06.2021 in MCRCA No.580 of 2021. He further submits that said co-accused was working as Cashier and case of the present applicant stands on different footing as present applicant was working as Manager in Rahul Servicing Agency. It is contended that nature of work assigned to present applicant was not of accepting any money from any of the customers, but for that, separate person is employed as Cashier i.e. co-accused. He pointed out that except the allegation levelled in the First Information Report, there is no material that applicant has received any money from any of the customers. It is further contended that absolutely false case has been levelled against the present applicant, hence, he may be granted anticipatory bail.
4. Per contra, Shri Vimlesh Bajpai, learned Government Advocate representing the State vehemently opposes the bail application and submits that on similar allegation, anticipatory bail application of co-accused Yogesh Dewangan was rejected on 16.06.2021 in MCRCA No.580 of 2021, hence, present applicant is not entitled for grant of anticipatory bail.

5. On putting specific query with regard to material available in the case diary to connect the applicant in the instant crime, he submits that there is statement of Rupendra Vaisya and Shiv Shrivastava, who are Auto and Car Driver in Rahul Servicing Agency. He read over the statement recorded under Section 161 of the Cr.P.C. of Shiv Shrivastava and upon asking, he submits that in his statement, this witness has stated that he was informed by owner of Agency about the mis-appropriation done by present applicant. He further referred to receipt said to be issued by present applicant while accepting money. Upon asking whether it bears signature of the applicant or not, he submits that there is no signature over the receipt. He also informed to this Court that statement of persons in whose name cash receipt received is not available in the case diary.
6. I have heard learned counsel for the parties.
7. Taking into consideration entire facts and circumstances of the case, nature of allegations and material available in the case diary, without commenting anything into the merits of the case, I am inclined to release the present applicant on anticipatory bail.
8. Accordingly, bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on anticipatory bail on his furnishing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one surety in the like sum to the satisfaction of the arresting officer and he shall be abide by the following conditions :-

(i) he shall make himself available for interrogation by a police officer as and when required;

(ii) he 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 from disclosing such facts to the Court or to any police officer.

(iii) he shall not influence the witnesses during pendency of the trial.

Certified copy as per Rules.

Sd/-

(Parth Prateem Sahu)
Judge