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HIGH COURT of CHHATTISGARH, BILASPUR**MCRCA No. 842 of 2021**

- Naveen Das Mahant S/o Shri Mahendra Das Mahant, aged about 22 years, R/o Kabir Chauk, Navapara, Tah and Distt. Raigarh, Civil and Revenue Distt. Raigarh, Chhattisgarh

-----Applicant**VERSUS**

- State of Chhattisgarh through: Police Station Kotwali, Chauki-Jute Mill, Raigarh, District Raigarh, Chhattisgarh

-----Non-applicant

For Applicant	: Mr. Manoj Kumar Sinha, Adv.
For Non-applicant- State	: Mr. Vimlesh Bajpai, Govt.Adv.

*(proceedings through video conferencing)***Hon'ble Shri Parth Prateem Sahu, Judge****ORDER****10/08/2021**

1. Applicant has preferred this application under Section 438 of CrPC for grant of anticipatory bail as he apprehends his arrest in connection with Crime No. 532/2021 registered at Police Station Kotwali Chauki Jute Mill District- Raigarh (C.G.) for the offence punishable under Sections 420, 34 of IPC.
2. As per the case of prosecution, one Manoj Kumar Anchal lodged a written report to the concerned police station on 07.04.2021 mentioning therein that the present applicant along with co-accused Rawan/ Banti Sahu came to their village and stated that they are supplier of iron rod and cement, upon which the complainant has shown his desire to purchase the material. Co-accused Banti gave the bank account number of present applicant in which the complainant has deposited Rs. 60,500/- and some other persons also deposited the amount in that account number. Complainant had

paid Rs. 50,000/- in cash to co-accused Banti Sahu, but they have not supplied the agreed material to them nor returned/ refunded money. Based on the said report, instant crime was registered against present applicant and co-accused Banti Sahu.

3. Mr. Manoj Kumar Sinha, learned counsel for the applicant would submit that the applicant is not a business man but he is only an employee in the shop of co-accused Rawan/ Banti Sahu. He has not accepted any money nor given any account number to deposit money to the complainant. It is the co-accused who gave account number of applicant to complainant. He has not committed any offence as alleged against him.
4. On the other hand, Mr. Vimlesh Bajpai, learned State counsel opposes the submissions made by learned counsel for the applicant and submits that as per the written report, the applicant and the co-accused Rawan/ Banti approached the complainant and have projected themselves to be material supplier of iron rods and cement, as such, the applicant is also involved in commission of crime. However, upon putting specific query to the learned State counsel with regard to status of applicant whether he is doing business or an employee as stated by learned counsel for the applicant, learned State counsel submits that as per the memorandum statement of co-accused Rawan/ Banti, it has come that the present applicant is an employee in his shop.
5. I have heard learned counsel for the respective parties.
6. Taking into consideration, the nature of allegation levelled against the present applicant, facts and circumstances of the case, particularly, the memorandum statement of co-accused Rawan/ Banti where the status of present applicant has been shown to be an employee,

without commenting anything on merits of the case, I am inclined to allow the bail application.

7. Accordingly, application is allowed and it is directed that in the event of arrest of applicant in connection with the crime in question (532/2021), he shall be released on anticipatory bail by the Officer arresting him on his executing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the concerned arresting Officer. Applicant shall also abide by the following conditions:

- (i) that the applicant shall make himself available for interrogation before the Investigation Officer as and when required;
- (ii) that the 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) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that 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/-
(Parth Prateem Sahu)
Judge