

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No. 1222 of 2021**

- Jainarayan Singh S/o Jagdish Singh Aged About 43 Years R/o Ward No. 4, Pt. Jawahar Lal Nehru Ward, P.S. Dantewada, District (Revenue And Civil) South Bastar Dantewada Chhattisgarh.

---- Applicant***Versus***

- State Of Chhattisgarh Through Station House Officer, Police Station Geedam, District Dantewada Chhattisgarh.

---- Respondent

 For Applicant : Shri Yogesh Pandey, Advocate
 For respondent/State : Shri Vimlesh Bajpai, Govt. Advocate

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****27.10.2021.**

1. The applicant has preferred this bail application under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail as he apprehends his arrest in connection with Crime No.82/2021 registered at Police Station Geedam, Distt. South Bastar Dantewda (CG) for the offence punishable under Sections 408/34 of the Indian Penal Code.

2. Brief facts of the case is that the applicant was working as employee of complainant in his shop namely Raja Tyre House at Geedam, where he misappropriated near about Rs. 27 lakhs by selling tyre of various vehicles, but not deposited the said amount in the account of the complainant, thereby he committed the offence of criminal breach of trust, hence, the complainant lodged

FIR against the applicant and co-accused under Section 408/34 of IPC.

3. Learned counsel for the applicant submits that the applicant has not misappropriated the alleged amount, he has sold the tyre and the amount was deposited in the bank account of the complainant. The applicant has also filed bank slip in this regard along with his bail application and in view of those documents, no case is made out against the applicant, therefore, he prays that the applicant may be enlarged on anticipatory bail.

4. On the other hand, learned counsel for the State submits that bank deposit slips which has been filed by the applicant have been verified by the police and they have reported that during the alleged period, the applicant has deposited an amount of Rs.26,04,050/- in the account of complainant's firm with regard to the selling of tyre. He has also submitted the bank statement of the complainant's firm namely Raja Tyre House in this regard.

5. I have heard learned counsel for both parties, perused the case diary and the material available on record and also the bank account statement of complainant's firm Raja Tyre House.

6. Considering the facts and circumstances of the case, particularly the submission made by learned counsel for the State and the bank statement of the firm Raja Tyre House, I feel inclined to grant anticipatory bail to the applicant.

7. Accordingly, the anticipatory bail application is allowed and it is ordered that in the event of arrest of the applicant in

connection with the aforesaid offence, he shall be released on anticipatory bail by the officer arresting him on his executing a personal bond for a sum of Rs.50,000/- with one surety of the like sum to the satisfaction of the officer arresting him. The applicant shall also abide by the following conditions:-

- (i) that he shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that 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/her from disclosing such facts to the Court or any police officer.
- (iii) that he shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial;
- (v) that in case of change of address he will inform new address to investigating agency.

Certified copy as per rules.

Sd/-

(N.K. Chandravanshi)
JUDGE