
Sabyasachi Mishra And Ors Vs State Of Chhattisgarh And Ors

MCRCA No. 1081 Of 2017

Court: Chhattisgarh High Court

Date of Decision: Feb. 2, 2018

Acts Referred:

Indian Penal Code, 1860 " Section 406#Code Of Criminal Procedure, 1973 " Section 161, 438

Hon'ble Judges: Rajendra Chandra Singh Samant, J

Bench: Single Bench

Advocate: Keshav Dewangan, Vijay Bahadur

Final Decision: Disposed Of

Judgement

Rajendra Chandra Singh Samant, J

1. Apprehending arrest in connection with Crime No.266/2015 registered at Police Station Bodhghat, District Bastar (C.G.) for the offence punishable

under Section 406 of the IPC, the applicants have filed this application under Section 438 of the Cr.P.C. for grant of anticipatory bail.

2. Learned counsel for applicants submits that the applicants are innocent and have been falsely implicated in this case. Applicant No.1 was employed

by complainant - Zia-ul-Haque for the purpose of generating and preparing Aadhar Cards in the Bastar District.

Applicant No.1 in-turn employed applicants No.2 and 3 as his assistants. Consequent to works performed for the complainant, applicant No.1 raised a

bill of Rs.10,75,452/- to be paid by the complainant. The complainant paid only Rs.4,40,000/- and promised to pay remaining amount later on and

thereafter, he sent an E-mail to applicant No.1 on 09-07-2015 stating that the kit for preparation of Aadhar Cards be kept in possession of the

applicant and on payment of remaining amount of the bill, the same be returned to the complainant. Later on, without any basis, the complainant has

lodged an FIR on 15-10-2015 in Police Station Bodhghat, alleging that the applicants have committed criminal breach of trust by removing all the

articles for preparation of Aadhar Cards. Subsequently, the complainant has sworn in an affidavit before the notary stating that he has received all the

kit and he does not want to proceed with the case. Hence, it is prayed that the applicants be enlarged on anticipatory bail.

3. On the other hand, learned State counsel opposes the instant bail application and submits that the contents in the FIR and the statement under

Section 161 of the Cr.P.C., clearly alleged against the applicants that they have committed criminal breach of trust, therefore, they are not entitled for

anticipatory bail.

4. Heard learned counsel for both the parties and perused the case diary.

5. As alleged, the applicants were employed by complainant - Zia-ul- Haque and entrusted with the kit and all electronic articles used for preparation

of Aadhar Cards which have been removed by the applicants, thereby committed criminal breach of trust.

6. Taking into consideration all the material available on record and there is some dispute regarding payment between the applicants and the Page

No.3 complainant, I am of the considered view that the applicants should be benefited with grant of anticipatory bail.

7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid

offence, they shall be released on bail by the officer arresting on each of them executing a personal bond in sum of Rs.25,000/- with one surety in the

like sum to the satisfaction of the concerned investigating officer. The applicants shall also abide by the following conditions :

(i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;

(ii) that the applicants 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 them from disclosing such facts to the Court or to any police officer;

(iii) that the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.