

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3048 of 2015**

Shivanand Tripathi, S/o Late Shri Mahadev Tripathi, aged about 54 years, Caste Brahmin, Occupation Principal, Govt. Girls High School, R/o Pharas Gaon, P.S. Pharas Gaon, District Bastar (C.G.)

.... Applicant

Versus

State Of Chhattisgarh through: Station House Officer of Police
Station City Kotwali, District Jagdalpur (C.G.)

---- Respondent

For Applicant:	Mr. Shailendra Dubey, Advocate.
For Non-applicant/State:	Mr. Anupam Dubey, Deputy Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****12/08/2015**

Heard.

(1) This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with crime No.53/2014 registered at Police Station City Kotwali, District Jagdalpur for the offence punishable under Section 420/34 of the Indian Penal Code.

(2) Case of the prosecution in brief is that applicant and the other co-accused persons obtained Rs. 4,50,000/- from complainant Smt. Shashi Satpathi to get her son employed as Food Inspector.

(3) Counsel for the applicant submits that applicant has been falsely implicated in the offence in question as he has not committed any offence. He further submits that civil suit has been filed by Ravindranath Satpathi against the wife of the present applicant namely Smt. Prena Tripathi that applicant's wife has taken a loan of Rs. 3,00,000/- on 24.06.2011 and executed a promissory note and, therefore, decree of Rs.3,00,000/- be granted in his favour; the said civil suit was filed on 23.06.2015, in which he has been summoned and, as such, the dispute is of civil nature and the applicant has unnecessarily been arrested on 27.05.2015; and the charge sheet is yet to be filed but substantial investigation has already been made.

(4) On the other hand, counsel for the State submits that applicant has one previous record of the identical nature for the offence under Section 420 IPC (Crime No.53/2014) has already been registered against the applicant in Police Station Kondagaon and, therefore, he is not entitled to be released on bail.

(5) Reply to this, counsel for the applicant submits that in the said case, anticipatory bail was granted by Hon'ble the Supreme Court of India in Special Leave to appeal (Cri.) No.3185/2014 on 11.8.2014 and placed the copy of order of the Supreme Court on record.

(6) Taking into consideration the facts & circumstances of the case; further considering the role of the present applicant in the offence in question and the civil suit is pending between the parties; and earlier Hon'ble Supreme Court has granted anticipatory bail to the applicant in the case registered against him; further considering his pre-trial detention and the substantial investigation has already been made; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the bail application is allowed.

(7) Accused/applicant is directed to be released on bail 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 trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Sanjay K.Agrawal)
Judge

D/-

