

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 657 of 2015

Jitendra Sadhwani S/o Tarachand Sadhwani Aged About 22 years R/o Dhamtari,
Police Station & Post Office Dhamtari, District Dhamtari Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Saraipali,
District Mahasamund Chhattisgarh.

---- Respondent

For Applicant	:	Shri Shivendu Pandya, Advocate
For Respondent/State	:	Shri Satish Gupta, Govt. Advocate

Order On Board

03/08/2015

Heard.

This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No.133/2013 , registered in Police Station- Saraipali, District- Mahasamund (CG), for alleged commission of offence under Section 420/34 of the IPC.

Case of the prosecution, in brief, is that the applicant and other accused, by fraudulent misrepresentation, induced villagers to pay huge amount as process fee towards providing agricultural land and in this manner they were cheated.

Learned counsel for the applicant submits that as far as present applicant is concerned, he has not been named by any of the complainants including Hemsagar and Arjun. All the allegations are against co-accused Tarachand and Altaf. Merely because applicant is shown be partner of JST Company, it cannot be presumed that he is also involved.

On the other hand, learned counsel for the State submits that some of the accused were working on the filed, whereas accused like applicant were behind curtain running the fraudulent company. Therefore, he is also actively involved.

Taking into consideration the submission made by learned counsel for the parties, particularly taking into consideration the submission that the complainants have not directly involved the applicant as the one involved in fraudulent misrepresentation and inducement causing wrongful loss, I am inclined to allow the application.

The application is accordingly allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the arresting officer on his furnishing a personal bond in the sum of Rs.20,000/- along with one

local surety for the like amount to the satisfaction of the arresting officer with following further conditions that:

- (i) the applicant shall make himself available for interrogation by the police officer as and when required;
- (ii) 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 from disclosing such facts to the Court or to any police officer;

Sd/-

(Manindra Mohan Shrivastava)

Judge

Praveen