

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 694 of 2015**

- Ajay Kumar, S/o Shri Shiv Lakhan Singh, aged 35 years, R/o No.10, Near Shiv Mandir, Kastor, Post – Kastor, Police Station – Kenduwadhi, District – Dhanbad (Jharkhand)

---- Applicant**Versus**

- State of Chhattisgarh Through: Station House Officer, Police Station Balod, District Balod (CG)..

---- Respondent

For Applicant	:	Mr. Malay Shrivastava, Advocate.
For Respondent/State	:	Mr. Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice I.S. Uboweja**Order on Board****03/9/2015**

1. The applicant has preferred the instant bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail as he apprehends his arrest in connection with Crime No. 278 of 2013, registered in Police Station Balod, District Balod (CG), for offence punishable under Sections 420, 467, 120-B/34 of the IPC.
2. The case of the prosecution, in brief, is that amount of Rs. 40,000/- (Rs.15,000/- and Rs.25,000/-) was alleged to have been deposited by the complainant – Manohar Singh Barle in the bank account of the present applicant as he had allegedly won lottery of Rs.25,00,000/-.
3. Mr. Malay Shrivastava, learned counsel appearing for the applicant would submit that present applicant has never directed the complainant to deposit the amount in his bank account. He would further submit that there is no evidence against the applicant to connect him with the crime in question. He would also submit that incident took place on 23.06.2013 whereas F.I.R. was lodged on 22.12.2013, thus there is an inordinate delay of 6 months. He would lastly submit that charge sheet has been filed by the Police.

Therefore, the benefit of anticipatory bail may be extended to the present applicant.

4. On the other hand, Shri Surya Kant Mishra, learned counsel for the State would oppose the prayer for grant of bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the facts and circumstances of the case and further taking into consideration that the date of occurrence is 23.06.2013 and F.I.R. was lodged on 22.12.2013, i.e., after a long delay of 6 months; charge sheet has already been filed, I am of the considered opinion that *prima facie* it is a fit case where the applicant can be extended the benefit of anticipatory bail.
7. Accordingly, the application for grant of anticipatory bail is allowed. It is directed that in the event of arrest, the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety of the like sum to the satisfaction of the Officer arresting him and he shall abide by all the following terms and conditions:
 - (i) that the accused/applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required;
 - (ii) that the accused/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 accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and 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/-

(I.S. UBOWEJA)
JUDGE