

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 1040 of 2015

Bhanwar Lal Chandel, aged about 50 years, son of Late Lalwa Chandel, resident of Ward No.6, Ghothiya, P.S. Kawardha, Civil & Revenue District Kabirdham (C.G) --- **Applicant**

Versus

State of Chhattisgarh through P.S. Kawardha, Civil & Revenue District Kabirdham (C.G.) --- **Respondent**

For the applicant : Mr. Manish Nigam, Advocate

For the Respondent : Mr. Ramakant Mishra, Dy. A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

03.11.2015

1. Apprehending arrest in connection with Crime No. 189 of 2015 registered at Police Station Kawardha District Kabirdham (C.G) for the offence punishable under Sections 420 of IPC, the applicant has filed this application under Section 438 Cr.P.C., for grant of anticipatory bail.
2. As per the prosecution case, the applicant has received Rs.1,05,000/- from 8 persons to provide job of security guard in security agency though he was not granted licence.
3. Learned counsel for the applicant submits that the applicant has applied to the State Government for grant of license to open security agency. it is further submitted that he charged Rs.8000/- from the prospective candidate and out of it, Rs.3000/- for providing uniform dress and other material while Rs.5000/- was kept as security deposit. He further submits that since the applicant has already applied for license to open the security agency he is waiting for the said licence and unless the licence is granted, the security agency cannot be opened. He therefore submits that the applicant has not committed any fraud and prays that he may be extended benefit of anticipatory bail.
4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. Having regard to the facts and circumstances of the case and taking into account the fact that the applicant has applied for license to start

security agency and further considering the submission that he will provide job to the persons from whom the amounts were collected after getting the licence, I am inclined to allow the application for anticipatory bail.

6. Accordingly, the anticipatory bail application is allowed and 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 officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the officer arresting him or the concerned Investigating Officer. The applicant shall also abide by the following conditions :-

- (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that 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/her from disclosing such facts to the Court or any police officer;
- (iii) that the applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) 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.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE