

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 167 of 2016

Prem Kumar S/o. Raj Kumar Prasad, aged 24 years, R/o. Bora, No. 16, Police Chowki Bora, Police Station- and Tahsil Joraposa, District Dhanbad (Jharkhand)

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station Balod,
District Balod (C.G.)

---- Respondent

For Applicant :- Mr. Malay Shrivastava, Advocate

For Respondent/ State :- Mr. Anil S Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhadur

Order on Board

29/02/2016

1. Apprehending arrest in connection with the Crime No. 278/2013, registered at Police Station Balod, District Balod (C.G.) for the offence punishable under sections 420,467,120B/34 of Indian Penal Code. The applicant has filed this application under Section 438 of Cr.P.C. for grant of anticipatory bail.

2. Case of the prosecution, in brief, is that the applicant and the other co-accused persons called the complainant Manohar Barle and contended that he has won an amount of Rs. 25,00,000/- as a lottery and an amount of Rs. 40,000/- was directed to be deposited in his bank account. Accordingly, the complainant was allured to deposit amounts in his account and the complainant thereby had deposited an amount of Rs. 40,000/- in the account of the applicant and in the account of another co-accused. Thereby, the offence is committed.

3. Counsel for the applicant submits that the applicant has never directed the complainant to deposit the amount in his bank account. He further submits that the incident took place on 23.06.13 and the F.I.R. was lodged on 22.12.2013. He further submits that the other co-accused persons namely Ajay Kumar has already been granted bail by the Coordinate Bench of this High Court in M. Cr. C. (A) No. 694 of 2015 on 03.09.2015 and the present applicant may also be entitled for bail on the ground of parity.

4. Per contra State counsel opposes the prayer for grant of bail and do not dispute the fact and submits that the other co-accused person has granted bail by the Coordinate Bench of this High Court.

5. Taking such fact that the similarly placed co-accused person has already been enlarged on bail by the Coordinate Bench of this High Court in M. Cr. C. (A) No 694 of 2015 on 03.09.2015, this Court is of the opinion that the present is the fit case, the applicant should be enlarged on 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 them on executing a personal bond in sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of 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 them from disclosing such facts to the Court or to 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.

Sd/-

(Goutam Bhaduri)

JUDGE

santosh