

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 732 of 2016

1. Chandrashekhar Jaisawal, S/o Late M.L. Jaisawal, Aged About 35 Years, Occupation Service, N.T.P.C. Seepat.

2. Ashwani Jaisawal, S/o Late M.L. Jaisawal, Aged About 37 Years, Occupation Advocate, District Court Bilaspur,

Both are R/o Tikrapara, Mannu Chowk, P.S. City Kotwali, District Bilaspur, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through Police Station Seepat, District Bilaspur, Chhattisgarh.

---- Respondent

For applicants –Shri Prakash Tiwari, Advocate.

For Respondent/State – Shri Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

12/08/2016

1. This application under Section 438 of Cr.P.C. has been filed by the applicants apprehending their arrest in connection with Crime No. 146/2016 registered at Police Station Seepat, District-Bilaspur (C.G.) for offence punishable under Sections 420, 467, 468, 471, 120-B read with Section 34 of I.P.C.

2. As per the prosecution case, a complaint was made by one Aakash Jaiswal under section 156 (3) of Cr.P.C. that joint property has been acquired by the NTPC while factory was commissioned in 2004-2005 and 3 acres were acquired and compensation was agreed that one person will be given employment and the compensation amount would be paid to father of the complainant. Subsequently, it is stated that Aakash Jaiswal who is cousin brother of the applicants that applicant No.1 Chandrashekhar Jaisawal has been provided with the job without consent of the other family members, thereby fraud has been committed.

3. Learned counsel for the applicants submits that entire nature of

dispute is completely family dispute and no criminality has been committed and compensation amount was received by father of the complainant and Chandrashekhar was provided with the job and no criminality has been committed which would be evident and applicant No.1 is working since 2010 and applicant No.2 is practicing advocate. Therefore, he submits that considering the facts of the case, applicants may be granted benefit of anticipatory bail.

4. Learned State counsel opposes the prayer for grant of bail.

5. Perused the case diary and the documents. Considering the facts and nature of dispute which is alleged, it appears that entire dispute is family dispute inter se between the parties. Taking into facts and circumstances of this case and nature of the allegation which is alleged to be of the year 2004-2005 and applicant No.1 is already in job since 2010, I am inclined to extend benefit of anticipatory bail to the applicants.

6. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on each of them executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions:-

- (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that the applicants 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 applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
JUDGE