

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 161 of 2016

Dharmendra Patre, S/o. Chhedilal Patre, aged 32 years, R/o. Village-Piperkhuta, Police Station and Tahsil Lormi, Civil District Bilaspur, Revenue District Mungeli (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through Police Station Lormi, Civil District Bilaspur, Revenue District Mungeli (C.G.)

---- Respondent

For Applicant	:-	Mr. Vaibhav A. Goverdhan, Advocate
For Respondent/ State	:-	Mr. Anil S Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

29/02/2016

1. Apprehending arrest in connection with the Crime No. 477/2015, registered at Police Station Lormi, Civil District Bilaspur Revenue District Mungeli (C.G.) for the offence punishable under sections 420 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 complainant, Rajju @ Rajen Miri had made a report on 29.10.2015 that on 27.04.2013, the applicant has obtained an amount of Rs. 1,60,000/- from the complainant to provide him job of cook in hostel. Subsequently, the job was not provided and when the money was demanded back, the applicant assured to repay the money but did not pay the money. Thereby, the offence is committed.

3. Counsel for the applicant submits that there is no evidence in this regard that the amount was paid to the applicant and neither any evidence or statement is on record to show that the amount was withdrawn by bank from his account except oral evidence. He further submits that the FIR is delayed

more than 2 years, therefore, the applicant may be given the benefit of anticipatory bail.

4. Per contra State counsel opposes the prayer for grant of bail.

5. Taking the nature of allegation and the delay in lodging the FIR of more than two years; further taking into the nature of allegation and the statement, this Court is of the opinion that the present is the fit case, where 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