

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 424 of 2016

- Hamid Rahman @ Dada Miya S/o Matyur Rahman Aged About 59 Years, R/o Construction Colony, Qtr. No. 809/ B, Tarbahar, Police Station Tarbahar, Bilaspur, District Bilaspur, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Tarbahar, Bilaspur, District Bilaspur, Chhattisgarh.

---- **Respondent**

For the applicant	:	Mrs. Madhunisha Singh, Advocate.
For the Respondent	:	Mr. Gary Mukhopadhyay, P.L.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

13.05.2016

1. Apprehending arrest in connection with Crime No. 259/2015 registered at Police Station Tarbahar, Bilaspur, District Bilaspur (C.G) for the offences punishable under section 420 of IPC, the applicant has filed this application u/s 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, the applicant assured complainant Sanjeev Pal to get him employed in the department of Railways as he is in touch with Railway Officers and in order to provide job, an amount of Rs.1,50,000/- was demanded, therefore, the complainant has paid an amount of Rs.1,50,000/-. However, after six months, neither service was provided nor the amount was refunded, therefore, the report was made.
3. Learned counsel for the applicant submits that it is a

monetary transaction and not the case of procurement of any job. It is submitted that the amount of Rs.1,50,000/- has already been returned to the complainant. Counsel for the applicant placed on record the affidavit of complainant and therefore prayed for grant of bail.

4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. Learned state Counsel was directed to verify about the correctness of the affidavit. On verification it is submitted by the State Counsel that the applicant has returned the amount of Rs.1,50,000/- to the complainant.
6. Considering the nature of allegations and the fact that the amount has been refunded to the complainant, I am inclined to allow this application.
7. Accordingly, the 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 his 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 he shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that he 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 he shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that he 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

Rao