

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 340 of 2016

Rajendra Kumar Gurjar S/o Shri Kunjbihari Gurjar Aged About 40
Years R/o Village Barwasan, P.S. Gourella, Tehsil Pendra Road, Civil &
Revenue District Bilaspur Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through : Police Station Gourella, District
Bilaspur, Chhattisgarh

---- Respondent

For applicant – Shri Ashok Soni, Advocate.
For Respondent/State –Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

22/04/2016

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 75/2016 registered at Police Station- Thana Gourella, District Bilaspur (C.G.) (wrongly mention in order sheet PS Marwahi) for offence punishable under Section 420 of the Indian Penal Code.
2. As per the prosecution case a report was made by one Phulwati Bai that her husband Chandan Singh was holding an account in the State Bank of India who died on 18th June, 2015. After his death an amount of Rs.15000/- was withdrawn on 19/07/2015 and Rs.12000/- was withdrawn on 2/08/2015 but her husband was not using ATM card. Thereafter, after CCTV footage was shown it was revealed that applicant has withdrawn the said amount.
3. Learned counsel for the applicant submits that the applicant is the son of Kunj Bihari who was close friend of deceased Chandan Singh and the amount was withdrawn at the instruction of the complainant. He further submits that in order to avoid any problem applicant has already deposited Rs.27,000/- in the account of Chandan Singh. He has filed receipt of the SBI showing the amount has been deposited, therefore applicant may be

released on bail.

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

5. I have perused the case diary and the documents. Perusal of the documents would show that applicant was in contact with the complainant and same ATM card was being used. Further taking into fact that earlier also transaction were carried out by the applicant and presently as appears amount as has been alleged has already been deposited by the applicant. Taking into facts of this case, I am inclined to extend benefit of anticipatory bail to the applicant.

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 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 him/her 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
JUDGE

