

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 629 /2016

Sunil Uike, S/o. R.K. Uike, Aged About 44 Years, R/o. Smriti Nagar,
Supela, Bhilai, District Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station
Supela, District Durg, Chhattisgarh.

---- Respondent

For Applicant : Mr. N.S.Dhurandhar, Advocate.

For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

04/08/2016

1. Apprehending arrest in connection with Crime No.488/2016 registered at Police Station- Supela, District Durg (C.G.) for the offence punishable under Section 420/34 of Indian Penal Code, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, the applicant allured the complainant Shailesh Singh to deposit Rs.11 Lakhs in B.M.A. Wealth Trading Company with an assurance that the amount will be doubled within a short period of time and the same was not done, therefore, the applicant has abetted the crime.
3. Learned counsel for the applicant would submit that the applicant has not kept the money and he has asked the complainant to deposit the money in B.M.A. Wealth Trading Company and the Company having been closed, the applicant himself has paid the amount of Rs.9 Lakhs and settled the dispute, which would be evident from the copy of compromise filed along-with this bail application, therefore, the applicant being an employee, he may be enlarged on anticipatory bail.

4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.
5. Perused the case diary and the documents. Considering the role played by the applicant as he has not kept the money with him and it was invested in the B.M.A. Wealth Trading Company and further considering the fact that the applicant has already returned Rs. 9 Lakhs as settlement, I am inclined to release the applicant 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 him on furnishing a personal bond to a sum of Rs.25,000/- with one 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) that 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