

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 967 of 2016

- Bhagwal Singh Chauhan S/o Mahendra Kumar Singh, Aged About 24 Years R/o Village Semri, District Rewa Madhya Pradesh
--- **Petitioner**

Versus

- State of Chhattisgarh through The Police Station Amlipadar, Gariyabandh Chhattisgarh
--- **Respondent**

For the applicant : Mr. Anjanesh Shukla, Advocate.
For the State : Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

02.12.2016

1. Apprehending arrest in connection with Crime No. 15 of 2015 registered at Police Station Amlipadar, Distt. Gariyabandh (C.G) for the offences punishable u/ss 420, 507 of IPC, the applicant has filed this second bail application u/s 438 of the Code of Criminal Procedure. The earlier bail application was dismissed on 10.08.2016.
2. Case of prosecution, in brief, is that a report was made by the compliant Khemraj that he received a telephone call that he has been selected in lucky draw and if he deposits Rs.25,000/- he will get Rs.25 lakhs, therefore, he deposited Rs.25,000/- in the bank account of Mahendra Kumar Bharti. Subsequently, when the amount was not deposited again telephone call was made and stated that on depositing Rs.50,000/-, Rs.30 lakhs would be paid, but when the amount was not paid, further phone call was made by the applicant that if he

does not deposit Rs.25,000/-, the entire money would be forfeited. Subsequently, an amount of Rs.25,000/- was deposited in the bank account of the applicant thereby the applicant deceived the complainant.

3. Learned counsel for the applicant would submit that it is a monetary transaction between the parties and the applicant has paid back the entire amount and the complainant Khemraj Nagesh has received the same, therefore, no offence is made out.
4. On earlier occasion, learned State Counsel was directed to verify the fact as to whether the amount has been paid back or not. Learned State counsel on verification submits that as per the statement of Khemraj, he received the entire amount and the same has been deposited in his bank account.
5. Considering the facts and circumstances of the case especially the fact that the amount was paid back to the complainant, I am inclined to admit the applicant to anticipatory bail, at this stage.
6. 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 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**

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