

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. CRIMINAL CASE (A) NO. 152 OF 2017

1. Devdas Bhaskar, S/o Kunjram Bhaskar, aged about 25 years.
 2. Gajpal Bhaskar, S/o Kunjram Bhaskar, aged about 27 years.
- Both R/o Village- Jhalri, Tahsil and P.S. Lormi, District- Mungeli (C.G.)

... Applicants

Versus

State of Chhattisgarh, through Police Station- Lormi, District- Mungeli (C.G.)

... Non-applicant

For Applicants	:	Mr. A.K. Yadav, Advocate.
For Non-applicant/State	:	Mr. Ashok Swarnakar, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

08/05/2017

1. The present application has been filed under Section 438 of CrPC for grant of anticipatory bail to the Applicants who are apprehending their arrest in connection with Crime No. 257 of 2016, registered at Police Station- Lormi, District- Mungeli, for the offence punishable under Sections 392, 385 read with Section 34 of IPC.
2. As per the prosecution case, allegation against the present Applicants is that both the Applicants is said to have on 27.6.2016 went to Jila Sahkari Maryadit Bank, Branch Lormi, where the Complainant - Dinesh Singh Dhurve, who is the Sarpanch of the Village, had gone for depositing a cheque bearing No. 119435 for an amount of Rs. 99,000/-. It is alleged that just before the said cheque could be deposited by the Complainant, the Applicants is said to have snatched the said cheque from the hands of the Complainant and fled away on the motorcycle, for which a complaint was lodged on 27.6.2016 and thereafter on the basis of the said complaint, an FIR was lodged on the same day.

3. Contention of the learned Counsel for the Applicants is that the entire contents of the FIR are false and baseless, inasmuch as it is a case of rivalry between the two groups in the same Gram Panchayat. According to the Counsel for the Applicants, Applicant No.1- Devdas Bhaskar is the Up-sarpanch and the Complainant- Dinesh Singh Dhurve is the Sarpanch of the same Village. The Applicants had been making regular complaints against the Sarpanch - Dinesh Singh Dhurve and some of the complaints which have been lodged by the present Applicants viz., to the Collector on 14.6.2016, then to the Sub Divisional Officer on 27.6.2016 and again to the Inspector General on 29.6.2016 and that it is only to counter these complaints, the Complainant has falsely implicated the present Applicants in the said case without there being any basis.

4. Learned Counsel for the Applicants refers to a document, Annexure A-3, which is the Statement of Account of Gram Panchayat Jhlari, to show that the cheque which the Complainant is referring to, i.e., cheque No. 119435, stands credited in the account of the said Gram Panchayat on the same date, i.e., on 27.6.2016, which by itself falsify the entire case of the Complainant.

5. This fact is not disputed by the learned Counsel for the State on verification of the record. However, he refers to the statements of certain witnesses who have lodged complaints against the present Applicants of snatching the cheque and running away.

6. Prima facie perusal of the record shows that the alleged cheque seems to have been credited in the account of the said Gram Panchayat on the same date, i.e., on 27.6.2016, and as such the possibility of the present Applicants snatching and running away with the cheque is not established. Likewise, the earlier complaints which have been lodged by

the present Applicants also seems to be one of the basis for the Complainant to lodge a false complaint against the present Applicants.

7. In view of the aforesaid facts and circumstances of the case, this Court is of the opinion that a prima facie strong case for grant of anticipatory bail is made out.

8. Accordingly, the present application under Section 438 of CrPC is allowed. It is directed that in the event of arrest of the Applicants in connection with Crime No. 257 of 2016, registered at Police Station- Lormi, District- Mungeli, for the offence punishable under Sections 392, 385 read with Section 34 of IPC, if each of them furnishes a personal bond for a sum of **Rs.25,000/- with one surety** of the like amount to the satisfaction of the concerned arresting/investigating officer or the Court concerned, as the case may be, then they shall be released on bail on the following further conditions :

- (i) that the applicants shall make themselves available for interrogation before the concerned Investigating Officer as and when required;
- (ii) that the applicants 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 applicants shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-
(P. Sam Koshy)
Judge