

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 206 of 2017**

- Suresh Kumar Patle S/o Late Shri Kushal Kumar Patle, Aged About 70 Years R/o Village Singarbhanta, Police Station Mujgahan, Tahsil & District Raipur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Mujgahan, District Raipur, Chhattisgarh.

---- Non-applicant

For Applicant:	Mr. D. Thakur, Advocate
For State:	Mr. Arvind Shukla, Panel Lawyer

SB: Hon'ble Shri Justice P.Sam Koshy**Order On Board****19.05.2017**

1. Apprehending arrest in connection with Crime No. 35/2017 registered at Police Station- Mujgahan, District – Raipur (C.G.), for offence punishable under Section 420 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. The allegation against the present Applicant as per the prosecution case is that the present Applicant is said to have on the pretext of providing employment in the Irrigation Department has taken an amount of Rs. 95,000/- from the present Complainant – Amit Bharti.
3. Learned Counsel for the Applicant submits that it is a false complaint being made repeatedly against the present Applicant.

According to the Applicant earlier also similar complaint was lodged by the same Complainant before the Police Station Abhanpur on 19.03.2015. The said complaint was investigated upon and the Police has submitted report on 29.11.2015 stating that no offence as such is said to have been made out and ordered for closure of the case.

4. Subsequently, again when the new Police Station was created at Mujgahan the Complainant has filed another fresh complaint on same ground in the Police Station on the basis of which the FIR has been lodged. Thus, prayed for grant of anticipatory bail to the Applicant.
5. Learned State Counsel however opposes the bail application on the ground that taking into consideration the allegation that on the pretext of providing employment some money has been accepted by the present Applicant. Therefore, the present Applicant does not deserve to be released on bail. However, so far as the earlier complaint in the Police Station at Abhanpur is concerned and also investigation made and report was submitted for closing the case, he expresses his regret in respect of the said contention by the Counsel for the Applicant.
6. Considering the given facts and circumstances of the case particularly taking into consideration the document annexed along with the bail application showing that the police authorities have already investigated the matter and held that there was no offence made, in the opinion of this Court a strong case for grant of anticipatory bail has been made out.
7. Accordingly, the MCRCA is allowed.

8. 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 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.

Sd/-

(P. Sam Koshy)
JUDGE