

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. CRIMINAL CASE (A) NO. 314 OF 2017

Harish Kumar Sinha, S/o Shri Dayaram Sinha, aged about 45 years, R/o Kunwa Chowk, Pachripara, Durg, Tahsil and District Durg (C.G.)

... Applicant

Versus

State of Chhattisgarh, through Police Station Durg, District Durg (C.G.)

... Non-applicant

For Applicant	:	Mr. B.P. Singh, Advocate.
For Non-applicant/State	:	Mr. Ashish Shukla, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

09/05/2017

1. The present application has been filed under Section 438 of CrPC for grant of anticipatory bail to the Applicant who is apprehending his arrest in connection with Crime No. 230 of 2017, registered at Police Station- Durg, District- Durg, for the offence punishable under Section 420 of IPC.
2. The present Applicant is a lawyer by profession. The Complainant- Smt. Rashmi Sharma has lodged a written report on 10.2.2017 alleging that the present Applicant in the capacity of a lawyer had advised her to file a civil suit and initially he had charged payment of Rs.25,000/- towards depositing court fee and subsequently it is said that the Applicant is said to have charged her periodically and in all there was about Rs.75,000/- which has been paid to the Applicant. That after about four years time she came to know that no civil suit has been filed at all by the Applicant. She further stated that she had been given a case number, which on verification was found to be not related to the Complainant but was some other case.

3. Learned Counsel for the Applicant submits that it is a case where the Applicant has some differences with her husband and the husband of the Complainant was a friend of the Applicant and he used to take advice from the Applicant and therefore in order to falsely implicate the Applicant she has made the present complaint. He further submits that in the entire record there is no evidence whatsoever in respect of any payment to have been made by the Complainant to the Applicant except for the oral, bald and omnibus statement made by her.

4. Learned Counsel for the State however opposes the bail application and submits that it is a case where the Complainant has made a categorical statement against the Applicant and therefore considering the seriousness of the offence, the Applicant does not deserve to be released on anticipatory bail.

5. Taking into consideration the entire facts and circumstances of the case particularly the fact that there is no evidence whatsoever in respect of any payment being made to the present Applicant except for the statement of the Complainant with no proof to support the same, this Court is of the opinion that a prima facie strong case for grant of anticipatory bail is made out.

6. Accordingly, the present application under Section 438 of CrPC is allowed. It is directed that in the event of arrest of the Applicant in connection with Crime No. 230 of 2017, registered at Police Station- Durg, District- Durg, for the offence punishable under Section 420 of IPC, if he 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 he shall be released on bail on the following further conditions :

(i) that the applicant shall make himself available for interrogation before the concerned 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

/sharad/