

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 718 of 2017**

Ishwar Singh S/o Dhansay, Aged About 26 Years Caste Rautiya, R/o Village Nonpani, Post Goriya, Thana + Tahsil Kunkuri, District Jashpur, Chhattisgarh Civil And Revenue District Jashpur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Kansabel District Jashpur Chhattisgarh

---- Respondent

For the Applicant : Shri Manoj Chauhan, Advocate.
For the Respondent/State : Shri Neeraj Jain, Government Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****14.11.2017**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.

2. It is submitted by counsel for the applicant that the applicant is apprehending arrest in connection with Crime No. 37 of 2016, registered at Police Station – Kansabel, District – Jashpur, Chhattisgarh for the offences punishable under Sections 420, 120B, 109 and 114/ 34 of the Indian Penal Code.

3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. Main accused – Lodhan Ram Jadi introduced himself to the applicant stating that he is the Director of Emu Breeding Farms Money Master Enterprises Limited and he is working on providing assistance to Self Help Groups and farmers of lower strata. The applicant

believing the statement of the main accused, introduced various self help groups and farmers, on account of which agreement was entered into between main accused – Lodhan Ram Jadi and the self help groups and the farmers and the price of the Emu birds to be supplied was received by the main accused. The main accused did not perform his part of agreement because of which the FIR was lodged and the applicant was made one of the accused without any basis. Hence, it is submitted that the applicant be enlarged on bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that as per the statement of the witnesses under Section 161 of the Code of Criminal Procedure the applicant was the person who introduced the main accused to the various farmers and self help groups because of which they were cheated by the main accused. It is also submitted that as per the memorandum statement of main accused – Lodhan Ram Jadi, the applicant received some amount as commission from the main accused. Hence, no case is made out for grant of anticipatory bail.

5. Heard counsel for both the parties and perused the case diary.

6. As alleged in the case against the applicant, he was the person who introduced the main accused to various farmers and self help groups and had been instrumental of the offence of the main accused because of which he has been arrayed in this case as accused for the offence of conspiracy, abetment and cheating with common intention.

7. Considering the submissions made and the contents of the case diary, looking to the nature of transaction between the main accused and the farmers of self help groups and also looking to the fact that apart from initiating criminal proceedings, the said farmers and self help groups have remedy available to pursue in other forums, I am of the view that the applicant deserves to be released on anticipatory bail.

8. 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 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 them 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/-

(Rajendra Chandra Singh Samant)
Judge