

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 727 of 2017

- Amit Seni S/o Shri Preamlal Seni, Aged About 34 Years R/o House No. 349, Ukhari Road Jabalpur P/ S Kotwali, Dist M.P. Civil & Revenue District Jabalpur, Madhya Pradesh --- **Petitioner**

Versus

- State of Chhattisgarh through Police Station Kabir Nagar Raipur, Chhattisgarh. --- **Respondent**

For the applicant : Mr. Ajay Mishra, Advocate.
For the State : Mr. Neeraj Sharma, Panel Layer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

14.12.2017

1. Apprehending arrest in connection with Crime No. 37/2017 registered at Police Station Kabir Nagar, Distt. Raipur (C.G) for the offences punishable under section 420/34 of IPC, the applicant has filed this application u/s 438 of the Code of Criminal Procedure.
2. As per the prosecution case, a report was lodged on 22.04.2017 that the complainant contacted to applicant's marriage bureau for suitable matrimonial matches and on an advertisement made in a newspaper contacted with certain phone number in his mobile phone and thereafter deposited the registration fee as required. Subsequently, it was found that the matrimonial match for which the amount was given, did not exist at all, thereby fraud has been committed.
3. Learned counsel for the applicant would submit that the applicant is owner of the marriage bureau, he has not

committed any offence and it is for the parties to choose suitable matrimonial match according to their choice and willing. It is further submitted that the applicant has undergone renal transplant and in any case he is under strict medical supervision, therefore, under the circumstances, the applicant may be enlarged on anticipatory bail.

4. Per contra, learned State Counsel opposes the prayer.
5. Considering the facts and circumstances of the case, especially taking into consideration the medial report of the applicant that he has undergone renal transplantation, I am inclined to admit the applicant to anticipatory bail.
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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