

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 76 of 2018

1. Praveer Kumar Mukherjee And Anr. S/o R.N. Mukherjee, Aged About 45 Years R/o Santkumar Ward, Bhathapara, Tahsil Bhatapara, District Baldabazar Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh
2. Mahesh Mahto S/o Late Jethamal Mahto Aged About 29 Years R/o G Cabin, Charoda, Police Station Purani Bhilai District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Bhatapara City, District Balodabazar Bhatapara City, District Balodabazar Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Respondent

For Applicants	:	Ms. Pritha Ghoshal, Advocate.
For Respondent/State	:	Mr. Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

13/04/2018

1. After arguing for some time, counsel for applicants prays of this Court to withdraw the application of applicant No.1 filed under Section 438 of CrPC.
2. It is ordered as prayed for.

3. Accordingly, the bail application of applicant No.1 438 of CrPC is dismissed as withdrawn.
4. The applicant No.2 has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.380/2017 registered at Police Station-Bhatapara, District – Baloda Bazar-Bhatapara(C.G.), for the offence punishable under Sections 420, 34 of the Indian Penal Code.
5. Learned counsel for applicants submits that applicant No.2 is innocent and has been falsely implicated in this case. He has no connection with the alleged commission of offence. Earlier complaint was made by Mohan Sahu friend of these applicants in PS-Old Bhilai on that basis offence under Section 392 & 365 of IPC have been registered against the son of the complainant, it is a counter blast the false FIR has been lodged against both the applicants. There is no specific statement of allegation against applicant No.2. Hence, it is prayed that applicant No.2 be granted anticipatory bail.
6. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that according to the statement of the witnesses recorded in the investigation, no case is made out for grant of anticipatory bail.
7. Heard both the parties and perused the case diary.
8. As the case is this, that the applicant No.1 gave inducement to the complainant B.L. Gohil that he has connections with the companies marketing vehicles and he can get them vehicles on discounts for which he received amounts in advance from the complainant through the son of the complainant from number of other persons. Some of

them have been made witnesses in this case, as promised by applicant No.1, on the date of delivery of the vehicle no such delivery was received. It was at that time the complainant and other approached both the applicants demanding refund of the money deposited by them. Both the applicants made some refund by way of cheques to the complainant and others, but the same were dishonored by the bank thereafter the FIR was lodged. Hence, this case.

9. According to the diary statement of the witnesses, name of applicant No.2 has appeared at the time when the complainant and others had approached for refund of their deposits, hence, I am of this opinion that applicant No.2 should be granted anticipatory bail.

10. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant No.2 in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on his executing a personal bond in the 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 No.2 shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that the applicant No.2 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 No.2 shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

- (iv) that the applicant No.2 shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha