

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 414 of 2017**

Prakashchand Baid S/o Late Shri Nemchand Baid, Aged About 69 Years R/o Chudi Line, Nayapara, P.S. City Kotwali, Raipur, Tahsil And District Raipur, Chhattisgarh, Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Civil Lines, Raipur, Distt. Raipur, Chhattisgarh, Chhattisgarh

---- Respondent

For the Applicant : Ms. Pritha Ghoshal, Advocate.

For the Respondent/State : Shri Ashok Swarnakar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****18.01.2018**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 414 of 2011, registered at Police Station – Civil Lines, Raipur, District – Raipur, Chhattisgarh for the offences punishable under Sections 456, 386, 294, 506B, 365, 342, 120B, 467, 468 and 471 of the Indian Penal Code.
3. It is submitted by counsel for the applicant that the applicant is innocent and he has been falsely implicated in this case. The main accused persons in this case are Nitin Chopda and Mannu Nathani who are already

on bail. The applicant had not been a party to the offence committed in which as alleged that the signature of the complainant was forcefully taken on the agreement for sale. He was simply an identifying witness and has signed the agreement in the same capacity and as such, no offence is made out against the applicant. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the applicant had been in company of the main accused persons and the alleged offence was committed in his presence, when the sign of the complainant was forcefully obtained on the agreement and no extraordinary case is made out in his favour. Hence, the application be rejected.

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

6. In the FIR lodged, complainant – Vimal Jain named the main accused as Nitin Chopda and 5 others who arrived on his residence on the date and time of incident and then he was informed that his son Vipul Jain has been abducted and in custody of Nitin Chopda. The complainant was informed that his son has lost Rs.26,00,000/- in MCX (a kind of share business) and for its recovery the complainant was forced to sign on the agreement for selling the land belonging to him. The signature of the applicant is present as identifying witness on the said agreement.

7. Considering the submissions and the contents of the case-diary, the fact that the statement of the complainant under Section 161 of the Cr.P.C.

and the FIR lodged by him the name of this applicant has not been reflected although there is evidence that he has been present as a witness to the agreement, I am of the considered view that the present is a fit case where the applicant should be benefited with grant of 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. He 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 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