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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 126 of 2018**

1. Firanta S/o Shri Panchu Ram, Aged About 48 Years R/o Village Thakur Deva, Police Chawki-Malhar, Police Station Masturi, Civil And Revenue District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh
2. Vijendra S/o Shri Firanta, Aged About 14 Years (Minor) Through His Legal Guardian Firanta, R/o Village Thakur Deva, Police Chawki-Malhar, Police Station Masturi, Civil And Revenue District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Chawki-Malhar, Police Station Masturi, Civil And Revenue District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh.

---- Respondent

For the Applicants : Shri Govind Ram Miri and Shri Basant Kaiwartya, Advocates.
 For the Respondent/State : Shri Anil S. Pandey, Government Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****21.06.2018**

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 applicants who are apprehending arrest in connection with Crime No. 8 of 2018, registered at Police Station – Masturi, District – Bilaspur, Chhattisgarh for the offences punishable under Sections 420, 467 and 468/ 34 of the Indian Penal Code.
3. It is submitted by counsel for the applicants that the applicants have been falsely implicated in this case making allegation about the commission

of offence under Sections 294, 323, 506-B, 452/34, 500 and 120-B of the Indian Penal Code. During the pendency of the case against the complainant – Sushila Bai Dhruve, just as a counter-blast the complainant who is accused No.1 in complaint case has lodged this false FIR against the applicants. Applicant No.2 – Vijendra is just 14 years old boy and the applicants have no criminal antecedents. Hence, the applicants be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect.

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

6. According to the prosecution case, on the inducement given by the applicants, complainant – Sushila Bai Dhruve gave cash of Rs.3,04,000/- to the applicants for depositing the same in the bank and other schemes. As the amount was not deposited in the bank, the FIR has been lodged.

7. Considered the material present in the case-diary. Presently, the case is still under investigation but there is no requirement of any custodial interrogation of the applicants and the applicants are local residents of District Bilaspur. Hence, for these reasons, I am of the view that this is a fit case to release the applicants on anticipatory bail.

8. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the Officer arresting them

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 applicants shall also abide by the following conditions:

- '(i) that the applicants shall make himself available for interrogation before the Investigating Officer as and when required;
- (ii) that the applicants 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 applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants 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