

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 184 of 2018**

Saubhagya Raut, S/o. Shri Somnath Raut, Aged About 34 Years, R/o. Village- Kantipokhri, Post Office- Atayan, Police Station- Rajkanika, District- Kendrapada, Odisha.

**----Applicant****Versus**

State Of Chhattisgarh, Through : Police Station- Chhuriya, District Rajnandgaon, Chhattisgarh.

**---- Respondent**


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| For Applicant        | : Mr. Devershi Thakur, Advocate      |
| For Respondent/State | : Mr. Anil S. Pandey, Govt. Advocate |

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****Order On Board****26/04/2018**

1. Apprehending arrest in connection with Crime No.54/2017, registered at Police Station – Chhuriya, District – Rajnandgaon (C.G.) for offence punishable under Section 420/34 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case only for the reason that motor cycle under his ownership bearing registration No. OR-22-F-0267 has been seized in this case. Apart from that there is no evidence against this applicant. Hence, it is prayed that, the applicant may be benefited with grant of anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of anticipatory bail and the submission made in this respect. It is submitted arrest of this applicant is required for the purpose of investigation, hence, the applicant may not be released on anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents.
5. According to the prosecution case, complaint has been made by Rajendra Bandhe stating that two persons, who identified themselves as Rajendra and Sushant Kumar Nayak presented themselves as agent of Aadipatya Vohlant Govind Sthal Road, Bhuneshwar, Orissa and induced the villagers to grow plants of Papaya in their fields. On their inducement, the villagers paid them Rs.71,000/-, identity card, Aadhar Card and photos for the reasons that the accused persons were to supply the Papaya plants in the return. On coming to know that villagers have been cheated, FIR has been lodged.
6. Considered the submissions made and the contents of the case diary. Considering the entire material present in the case diary, the connection on the basis of which, the applicant shown to have been involved in the commission of crime and further considering the facts and circumstances of this case, this Court is of the opinion that it is a fit case, where the applicant should be extended the benefit of Section 438 of Cr.P.C.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.

8. 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 him/her 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.

Certified copy as per rules.

**Sd/-**  
**(Rajendra Chandra Singh Samant)**  
Judge