

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 192 of 2018

- Pramod Tiwari S/o Lakhan Lal Tiwari Aged About 34 Years R/o Matadevalay Ward Bhatapara, Police Station And Tahsil Bhatapara District Baloda Bazar Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Purani Bhilai, District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Respondent

MCRCA No. 236 of 2018

- Komal Gohel S/o Shri B. N. Gohel Aged About 41 Years R/o Sadar Ward Bhatapara, Tahsil Bhatapara, District Baloda Bazar Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Purani Bhilai, District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Respondent

MCRCA No. 280 of 2018

- Sheetal Gohel S/o Shri B. L. Gohel Aged About 37 Years R/o Shankar Ward Bhatapara, Tehsil Bhatapara, District Baloda Bazar Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Old Bhilai 3, District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Respondent

MCRCA No. 308 of 2018

- Jeevan Dutta S/o Sukhdev Aged About 25 Years R/o Matadevalaya Ward, Bhatapara, P. S. And Tehsil Bhatapara, District Baloda Bazar Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Old Bhilai, District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Respondent

For Applicants : Mr. Akath Kumar Yadav, Advocate in M.Cr.C. (A) No.192/2018.
Mr. V.R. Tiwari, Advocate in M.Cr.C. (A) No.236/18.
Mr. Amrito Das, Advocate in M.Cr.C. (A)No.280/18.
Mr. Prasun Agrawal, Adv. in M.Cr.C. (A) No.308/18.

For Respondent/State: Mr. Aditya Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

26/04/2018

1. Since the above bail applications arise out of the same crime number, they are being disposed of by this common order.
2. Applicants in all the cases have preferred these applications for grant of anticipatory bail as they apprehend their arrest in connection with

Crime No.445/2017 registered at Police Station-Purani Bhilai, District – Durg(C.G.), for the offence punishable under Sections 365 & 392 of Indian Penal Code (for short 'IPC').

3. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. The fact of this case is this, that the one Praveer Kumar Mukharjee, who had been allegedly abducted in this case, was a defaulter and he had induced the applicants by saying that he has connections with the marketing companies and he can make them available new vehicles on discount and thereafter received advance amount to the tune of Rs. 1 crore. After coming to know about the fraud committed by Praveer Kumar Mukharjee, FIR was lodged and on that basis Crime No.380/2017 for the offence under Section 420/34 of IPC was registered against him in Police-Station-Bhatapara. Accused Praveer Kumar Mukharjee and Mahesh Mahto moved an application for grant of anticipatory bail bearing MCRC No.76/2018 and application of Praveer Kumar Mukharjee has been rejected vide order dated 13.4.2018.
4. It is submitted that the facts of this case are these, that on the date of incident these applicants had met with Praveer Kumar Mukharjee in Bhilai and pressed him for refund of advance money given to him by them. Praveer Kumar Mukharjee again induced the applicants saying that he has papers of one plot in Bhatapara and he will deliver the same to the applicants as security for refund of the amount. Applicants believing in his statement accompanied him to Bhatapara and it was on that occasion one of his companion namely Mohan Prasad lodged false complaint against the applicants. On verification, the papers of the land given by Praveer Kumar Mukharjee to the applicants were

found to be forged. Hence, it is totally a concocted case just to harass the applicants who are legally demanding refund from Praveer Kumar Mukharjee, hence, it is prayed that anticipatory bail be granted to be applicants.

5. Learned State counsel opposes the bail applications and the submissions made in this respect. It is submitted that according to the statement given by Praveer Kumar Mukharjee, he was abducted by these applicants and according to the statement of Manoj, one mobile phone was looted from his possession by these applicants. Apart from that, there is statement of the security guard of the apartment, who has seen the applicants and the abducted person Praveer Kumar Mukharjee going away from the apartment. Hence, no case is made out for grant of bail.
6. Heard both the parties and perused the case diary.
7. Allegations against these applicants in this case is this that on 26.12.2017 the applicants came to meet Praveer Kumar Mukharjee at his place of residence, they firstly assaulted and thrashed him and thereafter forcibly made him to sit in a car and thereby abducted him. On the basis of FIR lodged by Manoj, the offences have been registered against these applicants.
8. Considered on the submissions made and the contents of case dairy and perused the order passed by this Court in MCRC No.76/2018 dated 13.4.2018. The submissions made by applicants regarding the dispute of money transaction between the applicants and the abducted persons finds support. Praveer Kumar Mukharjee has presented himself before the Police-Station and gave statement which shows that he was not kept in confinement. Looking to the dispute of both the

parties and also the other circumstances from which the case of applicants finds support, I am of this view that all the applicants deserve to be released on anticipatory bail.

9. Accordingly, the anticipatory bail applications of applicants are allowed and it is directed that in the event of their arrest in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on their furnishing a personal bond in the sum of Rs.25,000/- each 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 herself 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 him/her 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 her by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge