

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 197 of 2018

1. Ajay Kumar S/o Roopchand, Aged About 41 Years, R/o Ra. Dalli Chowkbaloda, Tahsil And District Balod Chhattisgarh, District : Balod, Chhattisgarh
2. Amit Kumar S/o Ashok Chopda, Aged About 30 Years, R/o Station Road, Mahasamund, Tahsil And District Mahasamund Chhattisgarh, District : Mahasamund, Chhattisgarh
3. Jwehari Lal S/o Anupchand Jain, Aged About 62 Years, R/o Bazar Ward Mahasamund, Tahsil And District Mahasamund Chhattisgarh, District : Mahasamund, Chhattisgarh
4. Neelamchand S/o Panna Lal Jain, Aged About 65 Years, R/o Main Road, Mahasamund, Tahsil And District Mahasamund Chhattisgarh, District : Mahasamund, Chhattisgarh
5. Ritesh Golchha S/o Jwehari Lal Aged About 35 Years, R/o Mahasamund Police Station Mahasamund, Tahsil And District Mahasamund Chhattisgarh, District : Mahasamund, Chhattisgarh

---- Applicants

Versus

1. State Of Chhattisgarh Through Police Station Mahasamund District Mahasamund Chhattisgarh, District : Mahasamund, Chhattisgarh
2. State Of Maharastra Through Police Inspector Chhawani, Police Station Malegaon, Nasik Maharastra, District : Nashik, Maharashtra

---- Non-applicant

For Applicants – Shri Manoj Paranjpe, Advocate.

For Non-applicant No.1 – Shri Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

05-07-2018

1. The applicant is apprehending arrest in connection with Crime No.3638/2017, registered at Police Station Malegaon, Nasik, (Maharashtra) for offence punishable under Section 420, 467, 468 read with Section 34 of the IPC.
2. It is submitted by learned counsel for the applicants that these applicants have come before this Court with a prayer for transit bail only. All the applicants in this case have been falsely implicated by the complainant. In fact, there had been a civil transaction between the applicants and the complainant regarding which the complainant failed to perform his part, because of which,

these applicants were compelled to file a civil suit, praying for relief of nullification of the agreement between these applicants and the complainant, in which, the same transaction is subject matter of the suit. It is on the basis of same transaction the complainant has lodged the FIR. These applicants intend to present themselves before the investigating authority and cooperate with the investigation. Hence, for these reasons, it is prayed that they may be granted transit bail for a limited period to apply for grant of anticipatory bail before the Court having jurisdiction.

3. Learned counsel for the Non-applicant No.1 opposes the application submitting that this Court has no jurisdiction to entertain this application and grant any relief to the applicants and Non-applicant No.2 is necessary party to be heard before passing any order. Hence, the applicant may be rejected.

4. Heard learned counsel for the parties present and perused the documents.

5. Learned counsel for the applicants places reliance on the matter of **Sachindra Mahawar and others Vs. State of M.P. and others**, 2000(1) M.P.H.T. 127, in which, it has been held that any such ad-interim anticipatory bail can be granted for a limited period with a direction to the applicant to move the competent Court for grant of bail regular or anticipatory.

6. After perusing of the documents filed along with the application and the statement of the applicants on the application filed by them, I am of this opinion that the applicants should be granted Ad-interim anticipatory bail for a limited period to approach the Court having jurisdiction to make prayer for grant of bail regular or anticipatory.

7. Accordingly, the application is allowed. 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 each of them 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. This order shall remain effective for four weeks.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil