

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 420 of 2018**

Jagatpal Ekka S/o Shri Gullu Ram Ekka Aged About 25 Years Occupation Agriculture, R/o Village Khala P. S. Darima, Tehsil Ambikapur District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The District Magistrate District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh.

---- Respondent

For the Applicant : Shri Shakti Raj Sinha, Advocate.
For the Respondent/State : Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****29.06.2018**

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 applicant who is apprehending arrest in Criminal Case No. 1445 of 2016 pending before the Court of Judicial Magistrate First Class, Ambikapur, District Surguja which is registered on the basis of Crime No. 108 of 2016, Police Station – Darima, District – Surguja, Chhattisgarh for the offences punishable under Section 420/ 34 of the Indian Penal Code.

3. It is submitted by counsel for the applicant that the applicant was arrested on 3.8.2016 and was in jail till 18.7.2017, almost one year and then

he was released because the file of the case went missing. After passing of more than one year, now the file of that case has been reconstructed and there is apprehension that this applicant may be arrested again. This apprehension has strengthened because of the rejection of the application under Section 438 of the Cr.P.C. by the concerned Sessions Court. The applicant has not misused the liberty while he was on bail during the whole period and the trial is likely to take sometime for its conclusion. 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.

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

6. The allegation against the applicant is that on the pretext of arranging appointment of jobs for the complainant and others, he has received Rs.5,30,000/- from various persons who have paid the amount on the inducement given by the applicant and they have been cheated. Hence, this case.

7. Considered the peculiar circumstances of the case. At present, the charge-sheet has been presented before the trial Court and considerably long period of trial against him has been delayed because of misplacement of the file before the trial Court. Hence, 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. 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 them 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