

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 417 of 2018

1. Ramkrishna Agrawal S/o Shri Rameshwar Agrawal, Aged About 58 Years, R/o- Hatri Hospital Road, Shakti, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
2. Aakash Singhal S/o Shri Hansraj Singhal, Aged About 34 Years, R/o- Qtr No. G/B-28, Devrikhurd, New Colony, Devrikhurd, Bilaspur, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through- Station House Officer, P.S.- Telibandha, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-applicant

For Applicants – Shri Rahul Tamaskar, Advocate.

For Non-applicant/State – Shri N.K. Mehta, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

22-06-2018

1. Apprehending arrest in connection with Crime No.177/2018, registered at Police Station – Telibandha, District- Raipur, Chhattisgarh for offence punishable under Section 452, 323, 506B & 34 of the IPC, the applicants have preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicants that the applicants have been falsely implicated in this case. There had been money transaction between applicant No.1 Ramkrishna Agrawal and complainant Gopal Agrawal and applicant No.1 was pressing on the complainant to return the amount borrowed by him, because of which, a dispute had taken place earlier and was reported in Police Station Mandir Hasoud, on that basis offence under Section 294, 323, 34, 427, 506 was registered against the complainant. Subsequent to that, applicant No.1 kept on pressing for return of loan amount, because of which, this false FIR has been lodged by the complainant. Hence, it is prayed that the applicants may be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application

submitting that there is clear statement against the applicants about their involvement in commission of the offence. Hence, they are not entitled for grant of anticipatory bail.

4. Heard learned counsel for the parties and perused the case diary.

5. The allegation against the applicants is this, that the applicants and others forced their entry into the house of the complainant for demand of borrowed money and on refusal, all of them abused and threatened the complainant. Hence, this case.

6. From the contents of the FIR, it appears that there had been a dispute regarding dues to be paid by the complainant to the applicants side, which gives an edge in favour of the applicants. Hence, I am of this opinion that this is a fit case for grant of anticipatory bail to the applicants.

7. Accordingly, the anticipatory bail 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. The applicants shall also abide by the following conditions :

- (i) that the applicants shall make themselves 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 them by the said Court till disposal of the trial.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge