

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case (A) No. 463 of 2018**

Bhagwat Ram Dhiwar S/o Vishnu Ram Dhiwar, aged about 45 years,
R/o village Loharsi, Police Station & Tehsil Loharsi, District Durg (CG).

-----Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station
Banki Mongra, District Korga (CG).

---- Respondent

For Applicant	:	Shri SRJ Jaiswal, Advocate.
For Respondent	:	Shri Shashank Thakur, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

18/07/2018

1. The applicant has filed this application for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No.43 of 2017 registered at Police Station Banki Mongra, Distt. Korba for the offence punishable under Section 420/34 IPC and Section 10 of Chhattisgarh Nipekshako ke Hito Ke Sanrakshan Adhiniyam and Sections 4 & 5 of Chit Fund & Money Circulation Act.
2. The allegation against the applicant as per prosecution is that, the applicant is said to have introduced co-accused Pintu Yadav to the complainant Manki Bai and thereafter the co-accused Pintu Yadav is said to have given a false assurance to the said complainant of high return if investments are made in the company of which he is an agent i.e. M/s GN Gold Company. In the course, the complainant is said to have deposited an amount of Rs.24,000/- with the co-accused. However, inspite of maturity period having lapsed she did not receive

the returns which was promised leading to filing of complaint.

3. According to the counsel for the applicant, except for the fact that the applicant had introduced the co-accused Pintu Yadav to the complainant, there is no other overt act on the part of the applicant of having persuaded or forced to make investment with the GN Gold Company. The main accused Pintu Yadav has already been granted regular bail by the trial court itself and thus for all these reasons the applicant be granted anticipatory bail.
4. Counsel for the State however opposes the bail application on the ground that it was the present applicant who had introduced the co-accused Pintu Yadav to the complainant and thereafter they had entered into transaction and therefore it is prima facie established that the present applicant also was instrumental for the complainant to make huge investment with the company in which the co-accused was an agent. Thus, prayed for rejection of the application.
5. Having heard learned counsel for the parties and on perusal of records, this court finds that except for the allegation of the present applicant having introduced the co-accused Pintu Yadav to the complainant, there does not seem to be any further allegation attributed against the petitioner so far as the investment being made by the complainant with the company of which the co-accused was agent.
6. Given the aforesaid facts and circumstances of the case, this court is of the view that it is a fit case to grant anticipatory bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of

arrest, the applicant shall be released on bail on furnishing a bond in the sum of Rs.25,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:

1. That, the accused/applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required;
 2. The accused/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;
 3. The accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 4. 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.
7. Certified copy, as per rules.

Sd/-
(P. Sam Koshy)
Judge