

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 433 of 2018

- Karamat Hussain S/o Shri Idris Mian Aged About 40 Years R/o- Alagbua, P.S. Karmatar, District- Jamtara Jharkhand., District : Jamtara, Jharkhand

---- Applicant

Versus

- State Of Chhattisgarh Through- Police Station, Gariyaband, District- Gariyaband, Chhattisgarh., District : Gariyabandh, Chhattisgarh

---- Respondent

For Applicant : Mr. Pragalbha Sharma, Advocate.
For Respondent : Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

22/06/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.92/2017 registered at Police Station- Gariyaband, District – Gariyaband (C.G.), for the offence punishable under Section 420 of the Indian Penal Code.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case because of some misunderstanding. The complainant has lodged false FIR against this applicant. Now a compromise has taken place with the complainant Shahida Quireshi, who appeared before the Sessions Court, filed affidavit in support of compromise and also made statement that she does not want to proceed against this applicant. Hence, under these

circumstances, it is prayed that applicant may be enlarged on anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that investigation is still pending and the kind of offence which is alleged in this case shows that this applicant may be involved in other similar cases of fraud & cheating. Hence, applicant is not entitled for grant of anticipatory bail.
4. Heard both the parties and perused the case diary.
5. According to the case against this applicant is, that he made a telephone call to the complainant impersonating himself as Bank Officer, got the details of her ATM card and thereafter made purchase of Rs.50,060/- using the said details, therefore, FIR has been lodged.
6. This applicant has approached this Court for grant of anticipatory bail and certified copy of the order-sheet of the Sessions Court shows the appearance of complainant before the said Court to express her no objection for grant of anticipatory bail. Likewise, certified copy of the affidavit given by the complainant is also filed in this case. As per case diary, complainant Shahida Quireshi was cheated by the applicant. Hence, the objection raised by the State Counsel cannot be entertained.
7. Looking to the compromise arrived at between the applicant and the complainant, I am of this view that this is a fit case where the applicant should be enlarged on 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 his executing a personal bond in the 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 him/her 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 them by the said Court till disposal of the trial.

Sd/-
(Rajendra Chandra Singh Samant)
Judge