

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 971 of 2017**

1. Manmohan Gopal, S/o. Shri Bans Gopal, aged about 62 years,
2. Sunita Gopal, W/o. Shri Manmohan Gopal, aged about 58 years,
Both R/o. WZ-294, G Block, Hari Nagar, Jail Road, New Delhi.

----Applicant

Versus

State of Chhattisgarh, Through : the Police Station - Sarkanda, District
Bilaspur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Maneesh Sharma with Mr. Pragalbha Sharma, Advocates
For Respondent/State	: Mr. Anupam Dubey, Dy.G.A.
For Objector	: Mr. Mrigendra Singh, Sr. Advocate with Mr. Sumit Singh, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****25/01/2018**

1. Apprehending arrest in connection with Crime No.33317057170594/2017, registered at Police Station – Sarkanda, District – Bilaspur (C.G.) for offence punishable under Section 420, 468, 406, 120B & 34 of the Indian Penal Code, the applicants have preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. Applicants are in-laws of the complainant – Shilpi Shrivastava. There is no direct allegation against them. Complainant in this case has involved the applicants and her husband in various cases. On her complaint, a

case under Section 498-A of Cr.P.C. has been registered, in which the applicants are on bail and similarly she has filed another case under the provisions of Domestic Violence Act. Applicants have preferred one petition under Section 482 of Cr.P.C. in which they have been granted interim relief. Applicants are ready to abide by all the conditions imposed for grant of bail, hence, it is prayed that they may be benefited with grant of anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submission made in this respect. It is submitted that there is clear evidence against the applicants regarding commission of offences of cheating, forgery and conspiracy. Applicants are evading arrest since lodging of FIR. No case is made out in their favour for grant of anticipatory bail.
4. Counsel for the Objector adopts the argument advanced by the learned counsel for the State and submits that apart from the offence committed as alleged in this case, the applicants have committed other fraudulent acts because of which they are not entitled for grant of anticipatory bail. Firstly they provided with fake address in New Delhi knowing well that the said house shown as their residence is already sold out. Secondly, they suppressed this fact that son of the applicants was already married to an Australian girl and then marriage with complainant was performed. Both the applicants are citizen of Australia. When the complainant was residing with the applicants and her husband in Australia, she was tortured because of which, a complaint was lodged before the Australian authorities. It is submitted that in the connected case in which the bail has been granted to the applicants, they are not attending the Court and not abiding by the conditions laid down for

grant of bail and warrant of arrest has been issued against them. This is also one of the reason why they should not be granted anticipatory bail in this case.

5. In reply, counsel for the applicants submits that the complaint made before the Australian authority was addressed only against the husband of the complainant and as regards the address of the house given, only half portion of the house is sold out and remaining house is still in possession of the applicants, hence, the address given is not fake.
6. I have heard the learned counsel for the parties and perused the case diary and the documents.
7. The brief facts of the case is that the applicants and their son Varun Gopal by practicing fraud with the complainant – Shilpi Shrivastava negotiated marriage and marriage of complainant was performed with Varun Gopal. The address that was submitted were found fake and it was later on disclosed that the co-accused Varun Gopal has citizenship of Australia. Hence, this case.
8. Considering the submissions made and the contents of the case diary and the submission about the conduct of the applicants, I am of this view that the applicants do not deserve to be benefited with grant of anticipatory bail.
9. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is dismissed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge