

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRCA No. 1154 of 2017

Lomesh Kumar Dhruv S/o Late Dushyant Singh, aged about 31 years, R/o village Limohadih, Tahsil Doundi, District Balod (C.G.).

---- Applicant

Versus

State Of Chhattisgarh Through the Police Station Gunderdehi, District Balod (C.G.).

---- Respondent

For Applicant	:	Shri Vinay Pandey, Advocate
For Respondent	:	Shashank Thakur, Government Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

12/03/2018

1. The present is an application filed under Section 438 of Cr.P.C. seeking for anticipatory bail to the applicant apprehending his arrest in connection with Crime No. 436/2017 registered at Police Station Gunderdehi, District Balod (C.G.) for the offence punishable under Section 420 of I.P.C.
2. The allegation against the present applicant is that, the present applicant on the pretext of providing employment to the complainant Sanjay Kumar Adil has extracted an amount of Rs.2.5 Lakhs and later the present applicant could not provide employment to the complainant.
3. The counsel for the applicant submits that, there is no material whatsoever in the case diary available except for the oral statement being made by the complainant and a couple of witnesses with no proof whatsoever to establish that the present applicant has taken the money. He further submits that, the present applicant is an unemployed person and he is not in a position to provide employment to anyone and thus prayed for granting benefit of Anticipatory Bail to the applicant as he is being falsely implicated in the said case.

4. The State counsel however opposing the bail application submits that, the present applicant is said to have obtained loan from one Komal Lilhare and also obtained gold loan from Muthoot Finance for providing Rs.2.5 Lakhs to the present applicant. He further submits that, there is a statement of Komal Lilhare and Pitambare in respect of the allegations levelled against the present applicant and thus prayed for rejection of bail applications.
5. Considering the entire factual matrix of the case and the allegation levelled against the present applicant so also taking note of the fact that, except for the oral submission made by the complainant and the witnesses examined during the course of investigation, the prosecution has till now not been able to collect any material with which the present applicant could have been implicated for the said offence.
6. Under the circumstances, this Court is of the opinion that present is a fit case where the applicant is entitled for benefit of Anticipatory Bail.
7. Accordingly, the application under Section 438 of Cr.P.C. is allowed. It is directed that in the event of arrest of the present Applicant in connection with the aforesaid offence, he shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like amount to the satisfaction of the concerned arresting/investigating officer or the Court concerned, as the case may be, with the following terms and conditions:
 - (i) that the applicant shall make himself available for interrogation before the concerned 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 him by the said Court till disposal of the trial.

Sd/-
(P. Sam Koshy)
Judge

Sumit