

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 541 of 2018**

- Domendra @ Dumendra Verma S/o B.L. Verma, aged about 45 years, R/o Near Shiv Mandir Pandri, P.S. Pandri, Tehsil & District Raipur (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh - Through : SHO, P.S. Kumhari, District Durg (C.G.)

---- Respondent

For Applicant. : Shri Vimlesh Bajpai, Advocate.
For Respondent. : Shri Vivek Sharma, G.A.

Hon'ble Shri Justice Pritinker Diwaker**Order on Board****03/07/2018**

1. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicant who is apprehending his arrest in connection with Crime No.116/2018 registered at Police Station, Kumhari, District Durg (C.G.) for commission of the offence punishable under Section 420 IPC.
2. Case of the prosecution is that under the scheme of Government of India for constructing toilets in the village, as many as 89 toilets have been constructed by the applicant who is a contractor. It is said that one toilet was to be constructed in the name of complainant Purushottam Sahu and likewise one was to be in the name of Sato Bai, mother of the complainant. The allegation against the applicant is that toilet constructed for Sato Bai has been subsequently shown

in the name of complainant and thus toilet of the complainant has not been constructed but money has been withdrawn by the applicant.

3. Learned counsel for the applicant submits that toilet has also been constructed in the name of complainant and the complainant has also signed satisfaction letter vide **Annexure A-2**. He further submits that Sub Engineer Asima Vishwas has also stated that after due verification the toilet was found to be in the name of complainant. Learned counsel has also submitted that even otherwise the cost of toilet is 19,200/- and complaint made by the complainant is pending against the applicant.
4. Counsel for the State however opposes the application for anticipatory bail.
5. After hearing counsel for the parties and considering the facts and circumstances of the case, in particular the nature of allegation and the document filed along with the application, without further commenting on merits of the case, this Court is of the considered opinion 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 of the applicant in connection with aforesaid crime number, he shall be released on bail on his furnishing a personal bond in the sum of Rs.1,00,000/- with one surety for the like sum 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 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/-

(Pritinker Diwaker)
Judge

vijay