

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRCA No. 579 of 2018

Rambilash Kaushik (wrongly typed in cause title of the impugned order Ramvilash Kaushik), aged about 59 years, S/o Late Arjun Lal Kaushik, R/o village Parsada, P.S. Chakarbhata, District Bilaspur (C.G.).

---- Applicant

Versus

State Of Chhattisgarh Through S.H.O., Police Station Chakarbhata, District Bilaspur (C.G.).

---- Respondent

For Applicant	:	Shri Ravindra Sharma, Advocate
For Respondent	:	Shri Ashutosh Pandey, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

06/07/2018

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. 370/2017 registered at Police Station Chakarbhata, District Bilaspur (C.G.) for the offence punishable under Sections 420, 467, 467, 294 & 506/34 of IPC.
2. The allegation against the present applicant is that, the present applicant in connivance with the other accused person is said to have obtained an amount of Rs.22,00,000/- from the complainant Deepesh Kumar Shukla on the pretext of providing him employment. Lateron, the employment could not be provided and the amount also was not been refunded back to the complainant which led to the filing of the F.I.R.
3. The counsel for the applicant submits that, the main accused in the instant case Smt. Shilpa Kaushik has already granted bail by this Court in MCRCA No.03/2018 decided on 21/03/2018. He further submits that, the allegations against the present applicant is far less in gravity than the allegations which have been made against the main accused person and thus prayed for granting the benefit of Anticipatory Bail to the present applicant.

4. The State counsel however opposing the bail application submits that, it is a case where the present applicant in connivance with the other accused person is said to have amassed a huge amount of money from the complainant in the garb of providing Government employment and therefore prayed for rejection of bail application.
5. Having heard the contentions put forth on either side and on perusal of record, particularly taking into consideration the nature of complaint and the fact that the present applicant happens to be the father of the main accused person Shilpa Kaushik and the substantial allegations are against the main accused Shilpa Kaushik, this Court is of the opinion that present is a fit case where the applicant is entitled for benefit of Anticipatory Bail.
6. 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