

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 495 of 2017

1. Sandeep Gaikwad, S/o Shri Laxmikant Gaikwad, Age- 39 years,
 2. Smt. Kunjlata Gaikwad, W/o Shri Sandeep Gaikwad, Age- 37 years,
- Both R/o Devendra Nagar, Raipur P. S.- ganj, Raipur, District- Raipur (C.G.).

---- Applicants

Versus

State of Chhattisgarh: Through- P. S.- Ganj, Raipur, District- Raipur (C.G.).

---- Non-applicant

For Applicants	:Mr. Rajesh Kumar Kesharwani, Advocate.
For the State	:Mr. Anupam Dubey, Dy. Govt. Advocate

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

04/04/2018

1. Heard.
2. The applicants have preferred this bail application under Section 438 of Cr.P.C. apprehending their arrest in connection crime No.198/2017 registered at Police Station- Ganj, District- Raipur (Chhattisgarh) for the offence punishable under Sections 420, 34 of Indian Penal Code for grant of anticipatory bail.
3. Learned counsel for applicants submits, that applicants have been falsely implicated in this case. According to the allegation made in the complaint, applicants had not received the amount that was paid by the complainant for his appointment. No case is made out against the applicants on the basis of material present in the charge-sheet. Hence, it is prayed that applicant be extended the benefit of

anticipatory bail.

4. On the other hand, learned State counsel opposes the bail application and submits that both the applicants were induced the complainant that they know B. Peter and Aashlata Petter who are capable to arrange job of the complainant as Hostel Superintendent for which the complainant shall be required to pay an amount of Rs. 2 lakhs and the complainant has paid the said amount. Hence, looking to the participation of these applicants in crime in question, they are not entitled for grant of Anticipatory Bail.
5. Heard both the parties and perused the case diary.
6. The case against these applicants is that the complainant has lodged FIR, against the applicants alleging that she was induced by one of the applicant that he will arrange his job as Hostel Superintendent and on his inducement the complainant has paid 1, 74,000/- to co-accused B. Peter. Hence this case.
7. Considering on the submissions and the contents of the case diary and the material available on record, it appears that these applicants neither claimed that they were themselves demanding any amount from the complainant for arrangement of her job nor they were the persons, who induced the complainant that they were the persons who are capable to arrange the job of the complainant, I am of the considered view that the applicants should be benefited with grant of anticipatory bail.
8. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on executing a personal bond in sum of Rs.25,000/-

each with one surety in the like sum to the satisfaction of the concerned trial Court. The applicants shall also abide by the following conditions :

- (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that the applicants 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/-

(Rajendra Chandra Singh Samant)
Judge