

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C (A). No. 594 of 2018

- Niraj Sharma S/o Satyanarayan Sharma Aged About 31 Years Permanent R/o K. K. Ward, Shiv Vihar Colony Post Bhatapara P. S. Bhatapara City District Baloda Bazar Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Old Bhilai Police Station-3, City District Durg Chhattisgarh, District : Durg, Chhattisgarh.

---- Respondent

For Applicant	: Mr. U.K. S. Chandel, Advocate
For Respondent/State	: Mr. Anil S. Pandey, GA.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

18.05.2018

1. Apprehending arrest in connection with Crime No.445/2017 registered at Police Station- Purani Bhilai, District – Durg, (C.G.), for offence punishable under Section 365 & 392 of the Indian Penal Code.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant on the basis of contents of the FIR lodged in this case. Further, the FIR was also delayed. In fact the complainant – Praveen Kumar Mukharjee and Mahesh Mahto had grabbed and cheated crores of rupees from the accused persons by giving inducement to deliver cars on cheaper and discounted price and have committed criminal breach of trust. To escape from this liability, the complainant has lodged this false FIR against the present applicant and other co-accused persons, hence, no case is made out. Similarly placed other co-accused persons have been granted

anticipatory bail by this Court, hence, it is prayed that the applicant may also be extended the benefit of Section 438 of the Code of Criminal Procedure.

3. On the other hand, learned State counsel opposes the bail application and submits that it is a clear case of abduction for ransom by this applicant in association with the co-accused persons, hence, no case is made out for grant of bail.
4. Heard both the parties and perused the case diary.
5. The allegation against this applicant in this case is this that on 26.12.2017 the applicant along-with co-accused persons met with Praveen Kumar Mukherjee. They firstly assaulted and thrashed the complainant and, thereafter, forcibly made him to sit in a car and thereby abducted him.
6. Considered on the submissions made. On perusal of the case diary it appears that there is money transaction between the applicant and co-accused persons with the complainant. Further the complainant himself has appeared before the Police Station and gave statement which shows that he was not kept in confinement. Similarly, the co-accused persons have been granted anticipatory bail by this Court, the case of this applicant cannot be differentiated, hence for these reasons, I am of this view that applicant should be extended the benefit of Section 438 of the Cr.P.C.
7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. The applicant shall also abide by the following conditions :
 - (i) that the applicant shall make himself available for interrogation before the 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 /-

(Rajendra Chandra Singh Samant)

Judge

Jamal