

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 688 of 2018**

Pradeep Kumar Pandey S/o Shri Gopal Prasad Pandey Aged About 55 Years R/o Awas No. E- 412, Kailash Vihar , H T P P Darri, Police Station Darri, Tahsil Katghora District Korba Chhattisgarh., District : Korba, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Darri, District Korba Chhattisgarh., District : Korba, Chhattisgarh.

---- Respondent

For the Applicant : Shri V.A. Goverdhan, Advocate.
For the Respondent/State : Shri Ashok Swarnakar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****04.09.2018**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.

2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 108 of 2018, registered at Police Station – Darri, District – Korba, Chhattisgarh for the offences punishable under Section 384 of the Indian Penal Code and Section 4 of the Money Lenders Act.

3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant according to FIR and the material present in the case-diary. There had been

some money transaction between the applicant and the complainant. The applicant lended some money to the complainant at the time of marriage of his daughter. The complainant has lodged totally false FIR without there being any substance against the applicant. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the applicant is in profession of money lending and he has lended money to complainant – Tarun Prasad on interest and also obtained various cheques from him which he has misused. Hence, no case is made out for grant of anticipatory bail to the applicant.

5. Heard counsel for both the parties and perused the case diary.

6. The case against the applicant is that he had obtained bank cheques from father of the complainant – Ramdhan Pradhan and taking benefit of his inebriated condition, the applicant made use of some cheques for making withdrawal from the bank account of father of the complainant.

7. Considering the material present in the case-diary, I am of the considered view that the present is a fit case where the applicant 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 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 Investigating Officer. 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 them 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