

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 778 of 2018

- Amit Gandhi S/o Vijaygandhi, Aged About 31 Years, R/o Near Dayalband Bank Of India P. S. City Kotwali, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Sakri, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicant – Ms. Renu Kochar, Advocate.

For Non-applicant/State – Ms. Madhunisha Singh, Panel Lawyer.

Mr. Adil Minhaj, Advocate for the objector.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

27-08-2018

1. Apprehending arrest in connection with Crime No.88/2018, registered at Police Station – Sakri, District Bilaspur, Chhattisgarh for offence punishable under Section 384/34 of the IPC, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. The fact is this, that father of the applicant runs a jewelery shop from which the victim had taken some jewelery of worth Rs.1,50,000/- and the price of jewelery purchased has not been paid till date. Because of demand made by the applicant, he has been falsely implicated in this case. No case is made out against him. Hence, it is prayed that this applicant may be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that according to the suicide note written by the victim in this case and the statement recorded under Section 161 of the Cr.P.C., this applicant is directly responsible for the offences committed, hence, looking to the evidence

present, he is not entitled for grant of bail.

4. Learned counsel for the objector adopts the argument advanced by the State counsel and opposing the application submits that the application may be rejected.

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

6. The case against the applicant is this, that according to the complaint filed the applicant had borrowed Rs.2,00,000/- from victim Rishabh Nigam and was not returning the same even after repeated demand. It is also alleged that the applicant had by force taken the mobile of the victim and made use of the same for illegal purposes, and further instead of repaying the borrowed amount to the victim he himself and through others threatened the victim to participate in betting. Hence, this case.

7. Considered on the entire material present in the case diary and looking to nature of the case and the evidence present on record, I am of this view that this is a fit case for grant of anticipatory bail to the applicant.

8. Accordingly, the anticipatory bail application is allowed. 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 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.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil

and Dataram Singh Vs. State of Uttar Pradesh & Anr., reported in 2018 LawSuit(SC) 84,
2018 (3) SCC 22