

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 953 of 2018**

Santram Verma S/o Kashiram Verma Aged About 62 Years R/o Ward No. 9, Shankarpur, Rajnandgaon District Rajnandgaon Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through The Station House Officer, Police Station Mohan Nagar, District Durg Chhattisgarh.

---- Respondent

For Applicant : Mr. Rakesh Thakur, Advocate

For Respondent/State : Mr. Ashish Shukla, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****10/09/2018**

1. Apprehending arrest in connection with Crime No.250/2018, registered at Police Station – Mohan Nagar, Durg, District – Durg (C.G.) for offence punishable under Section 420 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. In fact the applicant and the complainant have entered into money transaction between them, which the applicant has made some repayment and compromise has been arrived at between the parties, subsequent to filing of the written complaint by the complainant. Compromise document was filed before the investigation officer and on that

basis report Annexure A/4 was given by SHO, P.S. Mohan Nagar, Durg that no offence is made out and the case is of money transaction between the applicant and the complainant. It is submitted that the applicant has repaid all the amount dues to the complainant. Therefore, it is prayed that the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that it is clear cut offence of cheating according to the evidence present on record. Therefore, the application be rejected.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. It is alleged that this applicant on the pretext of providing employment to the complainant – Jharna Sahu and her husband to the post of Clerk in the Medical College, Rajnandgaon by giving inducement the applicant received Rs.5.00 lakhs as illegal gratification for using his influences. As the complainant and her husband did not get any appointment, they asked for refund of the amount and on refusal made, FIR has been lodged.
6. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the case diary, as it appears that the complainant has received about Rs.3,35,000/- amount from the applicant and she has made complaint to make recovery of the remaining amount from the applicant and further taking into consideration this fact that the applicant does not have any criminal antecedents, hence for this

reason, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.

7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge