

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 956 of 2018**

Dhananjay Kumar, S/o. Shri Surya Dev Singh, aged about 29 years, C/o.
Adarsh Nagar Sirgitti, Tehsil & District – Bilaspur (C.G.)

---Applicant**Versus**

State Of Chhattisgarh, Through : Police Station, Tar Bahar, Bilaspur,
District – Bilaspur (C.G.)

---- Respondent

For Applicant	: Mr. Pawan Kesharwani, Advocate
For Respondent/State	: Mr. Anupam Dubey, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****06/09/2018**

1. Apprehending arrest in connection with Crime No.419/2017, registered at Police Station – Tar Bahar, Bilaspur District – Bilaspur (C.G.) for offence punishable under Section 420, 294, 506, 34 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. The applicant himself was one of the employee of the Glaze Trading India Private Limited. He himself has not given any inducement to any of the complainant neither he himself is a beneficiary of the amount given by the complainant and others. Similarly placed co-accused persons have been granted regular bail by this Court, charge-sheet

in this case has been filed after completion of investigation. No notice has been served upon the applicant and neither he has been arrested in this case by the police before filing of the charge-sheet. The applicant wants to participate in the trial against him. Hence, 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 the statement given by the witness shows that this applicant is the director of the said company, which has defrauded the complainant and others, hence, 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. According to the prosecution case, inducement was given to the complainant and number of other persons that they can be appointed to jobs against salary of Rs.15,000/- and by way of illegal gratification, Rs.50,000/- has been received from the complainant and each of the aggrieved persons. Complainant and others were not appointed to any job, who demanded back their money which was not refunded. Hence, the 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, there is no such material on record that this applicant is one of the director of the company, hence, his statement that he is simply a employee of the company has the prima-facie force and looking to this fact that similarly placed co-accused persons have been granted regular bail and this applicant wants to participate in the

trial against him, 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