

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 959 of 2018

- Jeewanram S/o Atmaram Bharadwaz Aged About 46 Years R/o Village Dumarbhanta, Police Station Kharsia, Tahsil Kharsia, District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Jaijaipur District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Respondent

For Applicants : Mr. B.M. Roy, Advocate.
For Respondent : Mr. Ashish Shukla, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

10/09/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.7/2018 registered at Police Station- Jaijaipur, District – Janjgir Champa (C.G.), for the offence punishable under Section 420, 34 of the Indian Penal Code (for short 'IPC').
2. Learned counsel for the applicant submits, that applicant is innocent and has been falsely implicated in the crime in question. No case is made out against him according to the facts present in the case. This applicant took some responsibility of the complainant but was unable to perform the same, hence, no case of criminal nature is made out.

Hence, it is prayed that he may be released on bail.

3. Learned counsel for the respondent/State opposes the applications and submissions made in this respect. It is submitted that looking to the evidence present against him, he is not entitled for grant of anticipatory bail.
4. Heard both the parties and perused the case diary.
5. It is alleged that this applicant firstly gave inducement to the complainant and others of providing them job in **Jaiprakash** Company, which has got a contract in Iraq, and for which the complainant and others would be required to obtain passport and visa. The applicant offered his help in getting passport and visa and in turn, he obtained Rs.12,000/- from four persons along with other papers but thereafter he has not done anything with respect to the issuance of passport and visa of the complainant and others. Hence, the FIR has been lodged. The investigation further shows that the applicant has received money from other person also and thereafter he did not do the work of the persons concerned. He has executed one agreement acknowledging receipt of amount and promising return of the same to the concerned.
6. After considering the entire material present in the case diary and further considering that the applicant is not required for custodial interrogation, I am of this view that this is a fit case where the applicant should be enlarged on anticipatory bail.
7. Accordingly, the anticipatory bail application of applicant 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 his executing a personal bond in the sum of Rs.25,000/- each 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.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha