

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1101 of 2018**

Ashok Choudhary @ Avinash Choudhary, S/o. Radhe Choudhary, Aged About 25 Years, Caste -Kanshi, R/o. Village Palni Shahar, Village- Palni Post Lal Bagiha, District Nalanda, Bihar.

----Applicant**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Police Station Saraipali, District Mahasamund, Chhattisgarh.

---- Respondent

For Applicant : Mr. Vikash Pradhan, Advocate

For Respondent/State : Mr. Ashish Shukla, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****31/10/2018**

1. Apprehending arrest in connection with Crime No.219/2017, registered at Police Station – Saraipali, District – Mahasamund (C.G.) for offence punishable under Section 419, 420, 467, 468, 120-B/34 of the Indian Penal Code and Section 66 (C) of Information Technology Act, 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. No case is made out against the applicant on the basis of the material present in the case diary. The name of this applicant is not reflected in the FIR and the statement that has been made by the co-accused persons is not legally admissible evidence. Therefore, it is prayed 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.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. Inducement was given by co-accused Avinash Kumar and Vivek Kumar to the complainant Sanjay Agrawal that they will help him in getting the agency of Patanjali product and on this pretext they obtained Rs.9,85,000/- from the complainant, consequent to which, no agency was provided to the complainant. Hence, this case.
6. Considered the submissions made and the contents of the case diary. After considering on all the material present in the case diary, 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

Balram