

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 531 of 2017

Md. Alim S/o Mo. Kalam Aged About 45 Years R/o Village Ichouli, Police Station Mohammdabad, District Gajipur, Uttar Pradesh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Baikunthpur, District Koriya, Chhattisgarh.

---- Respondent

Shri CJK Rao, counsel for the applicant/s.
Shri Prasoon Bhaduri, Govt. Advocate for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

02/01/2018

Heard.

The applicant is apprehending his arrest in connection with Crime No.95/2017 registered at Police Station – Baikunthpur, District – Koriya (CG) for alleged commission of offences under Section 420, 34 of IPC.

2. Case of the prosecution is that the applicant along with co-accused cheated the complainant and collected Rs.2 lakhs.

3. Learned counsel for the applicant submits that the entire story of the prosecution is highly improbable, false and only an attempt to convert a simple money dispute between the parties to a criminal case. He would submit that even according to the complainant, the applicant along with other accused had worked in the field of the complainant and the complainant agreed to pay Rs.1,50,000/-.

4. On the other hand, learned State counsel submits that according to the allegations contained in the FIR, prima facie case of cheating is made out because money was taken out from the bank and given to the applicant and other co-accused which was not returned. He submits that the other three co-accused have been identified and unless the applicant is arrested, identification is not possible which is

an important step towards investigation of the case. He submits that the other co-accused was granted regular bail only and not anticipatory bail. Therefore, application may be rejected.

5. Having considered the submission of learned counsel for the parties, genesis of dispute and that even according to the complainant, there was an agreement executed and the applicant worked on the field of the complainant which according to the complainant was done and that the complainant has also agreed to pay Rs.1,50,000/-, I am inclined to protect the applicant by granting anticipatory bail.

6. Accordingly, this 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 on his furnishing a personal bond in the sum of Rs.20,000/- along with two local sureties for the like amount to the satisfaction of the arresting officer and he shall abide by all the following terms and conditions -

(i) that the applicant shall fully co-operate with the investigation and also submit himself for identification before the police.

(ii) that the applicant shall make himself available for interrogation by a Police Officer as and when required;

(iii) that he 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 from disclosing such facts to the Court or to any Police Officer.

(iv) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(v) 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/-
(Manindra Mohan Shrivastava)
Judge