

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1218 of 2018

- Baisakhu Ram Sahu S/o Late Shri Firturam Sahu, Aged About 65 Years, R/o Vilage- Arand, Police Station- Rajim, District- Gariyaband, Chhattisgarh., District : Gariyabandh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station- Fingeshwar, District- Gariyaband, Chhattisgarh., District : Gariyabandh, Chhattisgarh

---- Non-applicant

For Applicant – Shri Aditya Tiwari and Shri Peeyush Bhatia, Advocates.

For Non-applicant/State – Shri Ashish Shukla, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

25-10-2018

1. Apprehending arrest in connection with Crime No.114/2018, registered at Police Station – Fingeshwar, District- Gariyaband, Chhattisgarh for offence punishable under Section 420 and 34 of the IPC, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. Although the applicant is one of the office bearer of NGO, Sarvodaya Gramin Swasahayata Samuh, but he had resigned in the year 2008 and the offence that is alleged to have committed is of later date. Hence, the applicant has no connection with the alleged commission of offence. Similarly placed co-accused persons have been granted anticipatory bail by this Court. Hence, it is prayed that this applicant may also be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application.
4. Heard learned counsel for the parties and perused the case diary.
5. According to the complaint made by complainant Ramlal Sahu, this applicant was one of the members of Sarvodaya Gramin Swasahayata Samuh

which invited deposits from various depositors and the same was embezzled by the office bearers and other members of the society.

6. Considered on the material present in the case diary and the deposit receipts which have been seized disclose that an amount of Rs.1,502/- was received from each depositor as membership fee and this does not appear to be a bond or receipt of any fixed deposit. Hence, after due consideration and also for the reason that similarly placed co-accused persons have been benefited under Section 438 of the Cr.P.C., I feel inclined to allow this application.

7. Accordingly, the anticipatory bail 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 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge