

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 693 of 2017**

Alok Swarnkar, S/o. Dr. M. L. Swarnkar, Aged About 51 Years, R/o. C - 204, Usha Heights, Shri Kant Verma Marg, Thana Civil Lines, Bilaspur Chhattisgarh.

----Applicant

Versus

1. State of Jharkhand, Through : Station House In-Charge, Police Station -Sadar (Korra) Hazaribagh, District -Hazaribagh Jharkhand.
2. State Of Chhattisgarh, Through : District- Magistrate, Bilaspur Chhattisgarh.

---- Respondents

For Applicant	: Mr. Arvind Shrivastava, Advocate
For Respondent No.2/State	: Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****15/03/2018**

1. Apprehending arrest in connection with Crime No.462/2017, registered at Police Station – Sadar (Korra) Hazaribagh, District – Hazaribagh (Jharkhand) for offence punishable under Section 387, 420 & 468 of the Indian Penal Code, the applicant has preferred this application for grant of transit anticipatory bail.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The case of the alleged crime is purely of civil nature. No case is made out against him in accordance with the allegations made in this case as the applicant himself is the victim of fraud committed by the

complainant in this case. The complainant in this case has lodged totally false FIR in the Police Station – Korra, Hazaribagh. The applicant intended to approach the Court for making a prayer for grant of anticipatory bail, but because of apprehension he is having of arrest in the case concerned, he is unable to do so. Hence, prayed that applicant be granted transit anticipatory bail for the purpose of approaching the concerned Court for making prayer for grant of anticipatory bail.

3. Reliance has been placed on the judgment of Madhya Pradesh High Court in case of ***Sachindra Mahawar and Ors. Vs. State of M.P. & Ors.***, reported in ***2000 Cri.L.J. 637***, judgment of ***Himachal Pradesh at Shimla*** in case of ***Sahil Sharma Vs. State of H.P.***, decided on ***01.03.2012 in Cr.M.P.(M) No.167/2012*** and on the order passed by this Court in M.Cr.C.(A) No.493/2015, dated 01.07.2015, wherein in similar cases, transit bail has been granted to the applicant concerned.
4. Per contra learned State counsel opposes the application for grant of bail and the submission made in this respect. It is submitted that this bail application is not maintainable, therefore, the same may be rejected.
5. I have heard the learned counsel for the parties and perused the case diary and the documents.
6. Considered on the submission made and the document submitted along with the application. The Court having jurisdiction shall consider on merits for grant of bail anticipatory or regular bail as the case may be. In view of the order passed by the High Court of Madhya Pradesh in case of Sachindra Mahawar & Ors (Supra) and

by this Court in M.Cr.C.(A) No.493/2015, dated 01.07.2015, it appears that the applicant deserves to be granted a protection by way of interim anticipatory bail for the purpose of approaching the Court having jurisdiction to make his prayer for grant of bail. Hence for this reason, this Court is inclined to grant transit bail to the applicant.

7. Accordingly, the 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 arresting/Investigation Officer.
9. This order shall remain effective for a period of 8 weeks from the date of passing of this order and subsequent to that this order shall become ineffective. It is further directed that in the meanwhile, the applicant shall make himself available for interrogation by the investigating officer as and when necessary. He would not directly or indirectly cause any interference in the process of investigation and would not abscond or leave India without prior permission of the Court.

Sd/-
(Rajendra Chandra Singh Samant)
Judge