

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1228 of 2018**

Ramesh Kumar Bada, S/o. Gopi Ram Bada, Aged About 39 Years, Caste Uranw, Occupation Sarpanch Of Gram Panchayat Krindha, Tahsil Dharamjaigarh, R/o. Jaldega, Ruwaphul, Tahsil Dharamjaigarh District Raigarh Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through : The Police Station Kapu, District Raigarh Chhattisgarh.

---- Respondent

For Applicant	: Mr. Govind Dewangan, Advocate
For Respondent/State	: Mr. Ashish Shukla, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**09/10/2018**

1. Apprehending arrest in connection with Crime No.71/2018, registered at Police Station – Kapu, District – Raigarh (C.G.) for offence punishable under Section 420 read with Section 34 of the Indian Penal Code, 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. The applicant is the Sarpanch of Gram Panchayat – Krindha, he had simply helped out the local residents in getting compensation and subsequent to that he received phone call of some officer of the government for visiting village to verify the Aadhar Card because of which he has

assembled the villagers and finger prints were taken by the person, who came for verification, after that some amounts were withdrawn from the accounts of the complainant and other villagers. False allegation has been made against the applicant as being involved in that fraudulent withdrawals. No case is made out against the applicant. Hence, for this reason, it is prayed that 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. It is submitted that the investigation is at very initial stage, hence, there is possibility of collecting evidence against the applicant, hence, the applicant may not be released on bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. The case against the applicant is this that the complainant and other villagers had received some compensation which was deposited in their bank accounts. It is alleged that this applicant had been demanding his commission from the said villagers and on non-payment, he was annoyed with them. It is alleged that on the pretext of verification of Aadhar Card, this applicant compelled the villagers and the complainant to give their thumb impression for such verification and subsequently, the amount have been withdrawn from the bank accounts of the complainant and other aggrieved persons, because of which, the FIR has been lodged in this case.
6. Considered the submissions made and the contents of the case diary. Considering on the investigation that has been made so far it

appears that the evidence is yet to be collected in this case and under the present circumstances, 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 each 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.

(Rajendra Chandra Singh Samant)
Judge