

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1539 of 2018

- Ashish Kumar Soni S/o Ashok Soni, aged about 34 Years Proprietor-Kautilya Academy, Bilaspur, R/o Village Bodatola, Post Rasmohini, Bodatola, District Shahdol, Madhya Pradesh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Sarkanda Bilaspur District Bilaspur Chhattisgarh.

---- Respondent

For Applicant : Mr. Vasant Zokarkar, Advocate.
For Respondent/State : Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

04/12/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.849/2018 registered at Police Station-Sarkanda, District – Bilaspur(C.G.), for the offence punishable under Section 420 of the Indian Penal Code.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out against this applicant. A totally false allegation has been made by the complainant against this applicant whereas the fact is this that the appellant had borrowed a sum of Rs.2 lakhs from the complainant which he has already returned but the complainant under a greed of

realizing more money made this false FIR against the applicant making false allegation therein. The applicant himself has approached the police on 7.8.2018 making a complaint against the complainant about the realization of excess amount than the amount borrowed but the police has not taken any action on his complaint and subsequent to that written complaint has been filed and thereafter FIR has been lodged. Hence, it is prayed that applicant be benefited with grant of anticipatory bail.

3. Learned State Counsel opposes the bail application and the submissions made in this respect. It is submitted that according to the statement given by the complainant and witnesses, this applicant by inducement obtained amount on the pretext that he will get the son of complainant appointed as government teacher, which is an illegal act and therefore the applicant is not entitled for grant of anticipatory bail.
4. Heard both the parties and perused the case diary.
5. Applicant is a Director of Kautilya Academy and on the basis of acquaintance with Dashrath, son of complainant, on 7.5.2018 he has obtained Rs.5 lakh from the complainant on the pretext that he will get his son appointed in a government school as 'Teacher'. However, when no development took place and Dashrath did not get any appointment letter as promised and even the amount was not returned, then a written complaint was made on 10.10.2018 based on which FIR has been lodged.
6. Considered on the entire material present in the case diary including the complaint made by applicant regarding excess realization of the amount and further considering the fact that the applicant does not have any criminal past, I am of this opinion that applicant should be

granted anticipatory bail.

7. Accordingly, the anticipatory bail application is allowed and 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 his executing a personal bond in the 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 them by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge