

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 1573 of 2018**

Heerasingh Markam, S/o. Devsai Markam, Aged About 77 Years, By  
Caste -Gond, R/o. Village Tivarta Tahsil -Pali, District Korba Chhattisgarh.

**----Applicant****Versus**

State Of Chhattisgarh, Through : Station House Officer, police Station  
Katghora, District Korba Chhattisgarh.

**---- Respondent**


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| For Applicant        | : Mr. Dharmesh Shrivastava, Advocate |
| For Respondent/State | : Mr. Anant Bajpai, P.L.             |

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****Order On Board****14/12/2018**

1. Apprehending arrest in connection with Crime No.02/2002, registered at Police Station – Katghora, District – Korba (C.G.) for offence punishable under Section 420, 467, 468, 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. No case is made out against the applicant. This applicant has no connection with the concerned Godwana Bank and he is not one of the directors of the said bank and applicant is political person and he has contested various elections since the year 2002, but he was never arrested by the police in this case. Hence, no case is made out against him.

Therefore, it is prayed the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the bail application and the submission made in this respect. It is submitted that the applicant was never available because of which charge-sheet was filed showing him absconding. Further, there may be requirement of custodial interrogation of this applicant as the investigation against him is still pending. Relying on the judgment of *Sudhir Vs. State of Maharashtra*, reported in (2016) 1 SCC 146, it is submitted that the application be rejected.
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 he gave inducement to the depositors to open accounts in Godwana Bank. Getting induced the complainant and others opened the account in the bank and made deposits against which the attractive returns and interest were promised. No depositors got any return and when the applicant was approached, he gave simply assurance. Hence, the FIR was lodged.
6. Considered the submissions made and the contents of the case diary. On perusal of the case diary, it appears that this applicant has not been projected as one of the directors or founder of the said bank, though he is in some places displayed as patron of the concerned bank, who has motivated the persons to make deposits.
7. After considering on all the material present in the case diary and and considering the reason that this applicant was though available but not arrested by the police so far and that this applicant is

political person and thus a public figure, hence, after due consideration, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.

8. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
9. 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.

Certified copy as per rules.

**Sd/-**  
**(Rajendra Chandra Singh Samant)**  
Judge