

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1578 of 2018

- Haridas Mahant S/o Laxmandas Mahant, Aged About 35 Years, Occupation - Driver, R/o Village Kurumahua, Police Station And Tahsil - Kharsiya, District - Raigarh. Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station - Kotara Road, Raigarh, District Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Non-applicant

For Applicant – Shri Vineet Kumar Pandey, Advocate.

For Non-applicant/State – Shri Avinash K. Mishra, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

14-12-2018

1. Apprehending arrest in connection with Crime No.22/2017, registered at Police Station – Kotara Road, Raigarh, District Raigarh, Chhattisgarh for offence punishable under Section 420/34 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. He was not named in the FIR. His name has appeared in the memorandum statement of the co-accused persons which is not reliable evidence. Further, co-accused persons have been tried and acquitted by the trial Court, in which, complainant Laxminarayan Choudhari has clearly made statement that he had lent Rs.3,00,000/- to co-accused Dasharath and there is no allegation that the amount was obtained by inducement and cheating. Certified copy of the deposition of complainant Laxminarayan Choudhari has been filed along with the application for perusal of this Court. Hence, no case is made out against the applicant. Hence, it is prayed that the applicant may be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application

submitting that according to the charge sheet, this applicant had been in absconsion and there is still investigation procedure pending for recovery of cash amount from this applicant, hence, he may not be granted anticipatory bail.

4. Heard learned counsel for the parties and perused the case diary.

5. The case against the applicant and the co-accused persons is this, that, they conspired to cheat complainant Laxminarayan Choudhari and thereby cheated him by Rs.3,00,000/- on the pretext that they have practiced some sorcery for his benefit and thereafter all the accused persons distributed all the proceeds of the stolen property in which this applicant was one of the recipients. Hence, this case.

6. Considered on the entire material present in the case diary and considering on the deposition of the main aggrieved person, i.e., Laxminarayan Chouhan, complainant of the case who has made altogether different statement before the Court, 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

Aadil