

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 52 of 2019**

Gajendra Sahu S/o Jhamendra Sahu Aged About 34 Years R/o Gabdi Police Station Ranitarai ,district Durg Chhattisgarh., District : Durg, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer ,police Station Utai District Durg Chhattisgarh., District : Durg, Chhattisgarh.

---- Respondent

For the Applicant : Shri Shrawan Agrawal, Advocate.
For the Respondent/State : Shri Arun Shukla, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****29.01.2019**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.

2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 152 of 2017, registered at Police Station – Utai, District Durg, Chhattisgarh for the offences punishable under Section 420/ 34 of the Indian Penal Code.

3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. The transaction between the applicant and co-accused – Khemlal Yadav with complainant – Dev Narayan Khewar was a simple money transaction of

borrowing money from him. The complainant has made false allegation that the money was obtained for providing him job. Co-accused – Khemlal Yadav has been granted regular bail by the Co-ordinate Bench of this Court. This applicant had been in jail in previous case since 14.8.2017 and he has been released after grant of bail by the order of this Court on 25.7.2018 but his arrest was not shown in this case by the police deliberately to arrest and detain him in jail again. Hence, it is prayed that the applicant be enlarged on anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect.

5. Heard counsel for both the parties and perused the case diary.

6. It is alleged that this applicant alongwith co-accused – Khemlal Yadav gave inducement to complainant -Dev Narayan Khewar that they can arrange for his appointment to government job and received Rs.6,00,000/- by way of illegal gratification for which they also executed a stamped agreement in favour of the complainant.

7. It is informed that the charge-sheet has already been filed in this case. Hence, at this stage, no purpose would be served if the applicant is kept in detention for the whole period of trial, therefore, I feel inclined to grant anticipatory bail to the applicant.

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

9. 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 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 them 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.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge