

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 82 of 2019

- Vijay S/o Ganpat Ram, aged about 25 Years, R/o Village Jhumarpara, Patna, P.S.-Patna, District-Koria Chhattisgarh,.

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station-Ambikapur, District-Surguja Chhattisgarh,.

---- Respondent

For Applicant : Mr. Sandeep Dubey, Advocate.

For Respondent : Mr. H.S. Ahluwalia, Dy. Adv. General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

06/02/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.576/2017 registered at Police Station-Ambikapur, District-Surguja(C.G.), for the offence punishable under Sections 420, 506 & 120-B of the Indian Penal Code, 1860.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out against this appellant. Name of this applicant has not appeared in the FIR and neither in the statement of any witness. In the memorandum of co-accused persons though it is mentioned that this applicant is one of

the gang engaged in the commission of such offences, but there is no such statement that he was also involved in the commission of offence against the complainant in this case, further, it is submitted that applicant is suffering from severe lung disorder because of which he is continuously getting treatment since 2014, therefore, it is prayed he may be granted anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the investigation against this applicant is pending, therefore, his arrest and custodial interrogation is necessary in this case, hence, the application be rejected.
4. Heard both the parties and perused the case diary.
5. According to prosecution case co-accused person conspired to cheat the complainant-Khinaram by inducement obtained Rs. 3 lakhs from him against a parcel claiming that it contained gold biscuits. When the parcel was opened by the complainant, it contained only one stone in it.
6. After perusing the memorandum statement given by the co-accused persons and the statement of other witnesses, I am of this view that present is a fit case where the applicant can 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 her 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 her by the said Court till disposal of the trial.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha