

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 219 of 2019**

Neeraj Soni S/o Late Shri Mukund Soni Aged About 36 Years R/o Tulsi Nagar, Ward No. 09, Murra Bhatthi, Gudhiyari Raipur Chhattisgarh Present Address Irrigation Department, Post Sopt Assistant,, District : Raipur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Panduka District Gariyaband Chhattisgarh, District : Gariyabandh, Chhattisgarh.

---- Respondent

For the Applicant : Shri Sunil Verma, Advocate.
For the Respondent/State : Shri I. Lakra, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****15.04.2019**

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. 23 of 2019, registered at Police Station Panduka, District Gariyaband, Chhattisgarh for the offence punishable under Sections 420 read with Section 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 brother of this applicant, namely, Rakesh Soni had taken some amount from the police officer, therefore, the applicant has been pressurized by the police officer to settle the account by himself making payment of the dues and when he refused, he has been falsely implicated in this case. It is further submitted that this applicant has also filed a complaint Annexure-A/1 before the Superintendent of Police, Raipur regarding the act of the police official and a complaint against the brother of this applicant vide Annexure-A/2 to take action against him in the police station, Gariyaband. Hence, it is prayed that the applicant is entitled for grant of anticipatory bail.

4. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the case against the applicant is supported with clear and cogent evidence. Hence, for these reasons, he is not entitled for grant of anticipatory bail.

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

6. Complainant – Ganpat Lal has lodged FIR that he was called on phone by applicant - Neeraj Soni, then he talked to one Sirsaaj and asked to pay Rs.6,000/- which was collected by the brother of this applicant. He again received a phone call of Sirsaaj that the arrears of back-wages of daily-wagers has been released for which he was asked to make some payments. The complainant made deposits of the money in the bank

account provided and some amount to Rakesh Soni, the brother of this applicant. In total, he has made a payment of Rs.49,000/- and it is alleged that it is applicant – Neeraj Soni was the person who sent his brother to make the collection. Hence, this case.

7. On perusal of the case-diary, it has appeared that co-accused – Rakesh Soni has made a statement of admission on memorandum that he impersonating as Neeraj Soni has made a phone call to the concerned person and he himself has made collections from them and also for the reason that the applicant was never present to take any collection from the concerned persons, I feel inclined to grant anticipatory bail to the applicant.

8. 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

Nimmi