

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 256 of 2019**

Shish Kumar Nag @ Shishupal Nag, S/o. Late Shri Subahu Nag, Aged About 35 Years, R/o. Dondekhurd, P.S. Vidhansabha, Tahsil Raipur, District Raipur, Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : Station House Officer, Police Station Ganj, District Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Surfaraj Khan, Advocate
For Respondent	: Mr. I. Lakra, Dy.G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****14/05/2019**

1. Apprehending arrest in connection with Crime No.156/2018, registered at Police Station – Ganj, District – Raipur (C.G.) for offence punishable under Section 420, 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 on the basis of the material present in the case diary. Stand of the applicant is this that co-accused Sanjeev Manikpuri had borrowed a sum of Rs.2.00 lakhs from the complainant in the year 2015 to which the applicant was a guarantor. As the co-accused could not return the same, therefore, on the demand made by the complainant, the applicant had issued a cheque of Rs.70,000/- in favour of the complainant. As the cheque was dishonored by the bank, the complainant has proceeded

against this applicant under Section 138 of Negotiable Instrument Act, therefore, no case is made out against the applicant. Therefore, it is prayed that the applicant may be granted anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that it is clear case, where this applicant and co-accused gave inducement to the complainant for providing him space for medical store in AIMS, Raipur and obtained gratification of Rs.2.00 lakhs, therefore, 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. As per the prosecution case, the applicant and the co-accused Sanjeev Manikpuri induced the complainant Jishan Ahmad Siddiqui that they have influences and can get him space for medical shop in the campus of AIMS, Raipur. On the basis of this inducement, the complainant made payment of Rs.2.00 lakhs to the applicant and co-accused in January, 2015 by way of illegal gratification and the complainant could not get any shop and when he asked for refund, the same was not returned by the applicant and co-accused.
6. Considered the submissions made and the contents of the case diary. After considering on all the facts and circumstances of the case and for the reasons that the applicant is separately being prosecuted under Section 138 of Negotiable Instrument act and he has a ground to raise defence for his case, hence for this reason, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.

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