

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 225 of 2019**

Prakash Giri, S/o. Sta Giri, Aged About 31 Years, R/o. Gobardaha, P. S. Raghunath Nagar, District Balrampur-Ramanujganj, Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Police Station Raghunath Nagar, District Balrampur Ramanujganj Chhattisgarh.

---- Respondent

For Applicant : Mr. Jitendra Shrivastava, Advocate
For Respondent/State : Mr. Avinash K. Mishra, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****26/02/2019**

1. Apprehending arrest in connection with Crime No.55/2018, registered at Police Station – Rahunath Nagar, District – Balrampur – Ramanujganj (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 on record. Investigation has been completed in this case and there is no evidence at all against this applicant, even then he is apprehending arrest. Therefore, it is prayed that the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. According to the prosecution case, co-accused persons Sunil Yadav and Krishna Prasad Yadav made use of mobile phone belonging to this applicant to call the complainant Ravindra Yadav, who was induced to buy a metal piece in the name of gold for price Rs.3.00 lakhs. The complainant later on found that metal piece was not gold, therefore, FIR has been lodged.
6. Considered the submissions made and the contents of the case diary. This applicant has been named in the memorandum statement given by the co-accused persons and that is the only evidence against him, therefore, after due consideration, 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

Balram