

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 482 of 2019

Raushan Baghel S/o C.R. Baghel, aged about 53 years R/o Village Gursiya,
Police Station Bango, Katghora, District Korba (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station City
Kotwali, Baloda Bazar, District Baloda Bazar- Bhatapara (C.G.)

---- Respondent

For Applicant	:	Mr. Malay Shriastava, Advocate
For Respondent	:	Mr. Alok Nigam, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

15/10/2019

1. The Applicant has filed this application for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No. 149/2018 registered at police station City Kotwali, Baloda Bazar (C.G.) for the offence punishable under Section 420, 34 of the Indian Penal Code.
2. As per prosecution story, on 25/06/2016 a written complaint was submitted by Chandra Kumar Tandon alleging therein that in the year 2011, the Applicant met with him. He assured him to employed in service and for which he took Rs. 2,60,000/- from him. On the same day, the Applicant gave him a cheque of Rs. 2,60,000/- in case of failure to provide service to the Complainant. Thereafter, the Applicant did not provide the job to the Complainant. On the basis of written complainant, offence has been registered in the year 2018 by the

concerned police station.

3. Learned counsel appearing on behalf of the Applicant submits that the Applicant has been falsely implicated in the present case. Prima-facie no offence under Section 420 of the IPC is made out against the Applicant. The alleged incident is of the year 2011 and the report has been lodged in the year 2016 i.e. after 5 years. He further submits that as admitted by the Complainant himself, a cheque amounting to Rs. 2,60,000/- has been given to him by the Applicant. Even, there is nothing on record that what has the Complainant done with the cheque and why did he not produce the cheque before the Bank. He further submits that it appears that the Applicant has been falsely implicated in the present case. He prays that the Applicant may be granted benefit of anticipatory bail.
4. On the other hand, learned counsel appearing on behalf of the State opposed the bail application and submits that according to the material contained in the case diary, prima-facie the case lodged against the Applicant is made out and therefore, his bail application may be rejected.
5. I have heard counsel for the parties and perused the record.
6. Taking into consideration the submission put forth on behalf of the parties, particularly considering the fact that the incident happened in the year 2011 and the written report has been lodged in the year 2016, without further commenting on merit of the case, I am inclined to grant the benefit of anticipatory bail in favour of the Applicant.
7. Accordingly, this bail application is allowed.
8. It is directed that in the event of arrest, the Applicant shall be released

on bail on his furnishing a bond in the sum of Rs.20,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:

- i. That, the accused/Applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required;
- ii. The accused/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. The accused/Applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- iv. 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.

9. Certified copy, as per rules.

Sd/-

(Arvind Singh Chandel)
Judge