

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 488 of 2019

1. Smt. Geeta Singh, W/o Kanhaiya Singh, Aged About 45 Years, R/o Ward No. 40 Domanhil, P. S. Chirmiri, District Koriya, Chhattisgarh.
2. Kanhaiya Singh Maravi, S/o Shri Sukhdev Maravi, Aged About 50 Years, R/o Ward No. 40 Domanhil P. S. Chirmiri, District Koriya, Chhattisgarh.

---- Applicants

Versus

- State of Chhattisgarh Through Police Station Chirmiri, District-Koriya Chhattisgarh.

---- Respondent

For Applicant : Mr. Shakti Raj Sinha, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

10/04/2019

1. The applicants have preferred this bail application under Section 438 of Cr.P.C. apprehending their arrest in connection with Crime No.50/2019 registered at Police Station-Chirmiri, District-Koriya(C.G.), for the offence punishable under Sections 420, 34 of the Indian Penal Code.
2. Learned counsel for applicants submits that applicants are innocent and have been falsely implicated in this case. No case is made out against them. Firstly complainant Nikhil Malhotra Singh, who is claiming himself to be son of deceased Gurudayal Singh, is making false claim. Copy of service record of deceased Gurudayal Singh is produced along with application which does not reflect name of

complainant as one of his siblings. Other allegations regarding taking advantage of deceased Gurudayal Singh for making withdrawals from his bank account is also a false allegation. Applicant No.1 on one occasion had borrowed Rs.7 lakhs from Gurudayal Singh regarding which an agreement was executed, which is attached as Annexure-A/2, on 12.10.2017. The amount borrowed has been refunded to deceased Gurudayal Singh on 10.5.2018 regarding which another agreement was executed between both the parties, which is attached as Annexure-A/3. Therefore, no offence of cheating has been committed by these applicants and allegations made are baseless and vague, hence, it is prayed that application be allowed.

3. Learned State Counsel opposes bail application and submissions made in this respect. It is submitted that status of complainant needs verification, however, there is evidence of witnesses to show that these applicants were the persons who had taken advantage of drinking habit of deceased and made withdrawals from his bank account, therefore, no case is made out for grant of anticipatory bail.
4. Heard both the parties and perused the case diary.
5. Complainant Nikhil Malhotra Singh has lodged FIR against these applicants that because of taking benefits of the drinking habit of Gurudayal Singh, these applicants provided him with drinks and taking advantage of his inebriated condition, made withdrawals from his bank accounts and thus misappropriated the amount so withdrawn by them by keeping deceased Gurudayal Singh under their influence. Hence, this case.
6. After considering nature of allegation made against these applicants and documents filed along with this application, I am of this opinion

that this is a fit case where applicants should be granted anticipatory bail.

7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on their executing a personal bond in the sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :

- (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that the applicants 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 applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants 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