

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 518 of 2019**

Rajesh Tamrakar, S/o. Late Radhyshyam Tamrakar, Aged About 41 Years,
R/o. Plat No. 763, Tamrakar Bhawan, Kosabadi, Korba Tahsil and District
Korba Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : Station House Officer, Police Station
Kotwali (Chowki Manikpur), District - Korba Chhattisgarh.

---- Respondent

For Applicant	: Mr. Praveen Dhurandhar, Advocate
For Respondent	: Mr. I. Lakra, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****29/04/2019**

1. Apprehending arrest in connection with Crime No.109/2019, registered at Police Station – Kotwali, Chowki – Manikpur, District – Korba (C.G.) for offence punishable under Section 420, 409, 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. This applicant has been director of M/s. Prabha Communication Pvt. Ltd., who obtained license of liquor shop of Korba for the year 2016-17. Soon after obtaining the license, he had authorized one Amarnath Agrawal by a power of attorney dated 17.06.2016. All the transaction has been done by Amarnath Agrawal himself. The allegation made by the complainant in this case is false and baseless, in-fact the complainant had invested the

amount in the business of the applicant and the co-accused Amarnath Agrawal, therefore, he has a civil remedy available to him. Therefore, it is prayed that the applicant 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 the applicant and the co-accused had induced the complainant on this basis that the amount invested by him will be doubled within a year because of which the complainant made investment and has lost it. Therefore, the applicant is not entitled for grant of anticipatory bail.
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, this applicant and co-accused Amarnath Agrawal gave inducement to the complainant by making investment in wine and liquor business the amount gets quadruple in a year and therefore, they made an offer to the complainant that he will be returned the doubled amount after completion of one year. According to the complaint, the complainant has made investment of Rs.16.55 lakhs, which has been lost.
6. Considered the submissions made and the contents of the case diary. After considering on all the material present in the case diary as it appears that there glimpse of civil nature, 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