

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 843 of 2019**

Prabhakar Gupta, S/o. Late Nirakar Gupta, Aged About 26 Years, R/o. Village Sutupali, Police Station and Tahsil Pusaur, District Raigarh Civil and Revenue District Raigarh Chhattisgarh.

----Applicant***Versus***

State Of Chhattisgarh, Through : Police Station Pusaur, District Raigarh Chhattisgarh.

---- Respondent

For Applicant : Mr. M.K. Sinha, Advocate

For Respondent/State : Mr. Lav Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****18/07/2019**

1. Apprehending arrest in connection with Crime No.79/2019, registered at Police Station – Pusaur, District – Raigarh (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 this applicant. All the allegations are mainly against co-accused – Bhupendra Joshi, regarding receiving cheque book from the complainant for making use of the same. Although the applicant has received some amount in transfer from the account of the complainant, but he is ready to returned back amount to the

complainant. 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 there is evidence of involvement of this applicant in the commission of crime, 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. According to the prosecution case, complainant Deepika Seth and her sister had received compensation in the year 2014 for the reasons that they had suffered disability on account of being incapacitated by electrical accident. The same was deposited in the bank account. It is alleged that co-accused Bhupendra Joshi on the pretext of helping the complainant in making of PAN card obtained cheque book and he has misused the same for withdrawing the amount of Rs.1,38,600/- on various dates. One of the transfers of Rs.40,000/- has been made to the account of this applicant.
6. Considered the submissions made and the contents of the case diary. Considering the entire material present in the case diary and also considered the fact that the allegations are mainly against the co-accused Bhupendra Joshi, 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