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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 848 of 2019**

Kamlesh Kumar Setua S/o Shri S. N. Setua, R/o - Quarter No. - 184, Indira Nagar, Ward No. 21, Charoda, Police Station Old Bhilai, District Durg Chhattisgarh., District : Durg, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgrh Through SHO, Police Station- Old Bhilai, District Durg Chhattisgarh., District : Durg, Chhattisgarh.

---- Respondent

For the Applicant : Shri Achyut Tiwari, Advocate.
For the Respondent/State : Ms. Madhunisha Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****25.06.2019**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.

2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 282 of 2018, registered at Police Station – Old Bhilai, District – Durg, Chhattisgarh for the offence punishable under Section 420 of the Indian Penal Code.

3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. This applicant never had any transaction with the complainants in this case. The transactions have taken place between the wife of the applicant and the complainants. This applicant has never

given any inducement or promise to any of the complainant. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that in the complaint filed, name of this applicant has appeared as a co-accused with the main accused. Hence, no case is made out for grant of anticipatory bail to the applicant.

5. Heard counsel for both the parties and perused the case diary.

6. According to the complaint given, this applicant alongwith his wife made a false promise and gave inducement to the various complainants that the jewelery and the amount given by them can be doubled in 15 days against which, both of them received jewelery and cash from the complainants which had not been returned to the respective complainants.

7. Perused the diary statements of the complainants. It appears that the inducement has been indirectly given by co-accused – Seema Setua to all the complainants that she has the occult powers to double the jewelery and cash in 15 days. Getting induced, the complainants have handed over cash and jewelery which have been misappropriated by her. Hence, on the basis of the diary statements which are present so far in the case-diary, I am of the considered view that the present is a fit case where the applicant should be benefited with grant of anticipatory bail.

8. Accordingly, the anticipatory bail application is allowed and 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. He 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 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.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge