

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 974 of 2019

- Bhogdev Das S/o Thengudas Aged About 40 Years R/o Village Giragira, Tahsil Dabhra, District Janjgir Champa Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer Police Kharsia District Raigarh Chhattisgarh Taluka Kharsia, District Raigarh Chhattisgarh

---- Respondent

For the applicant : Mr. M.K. Jaiswal, Advocate with Mr. Hemant Kumar Patel, Advocate

For the State : Mr. Sudeep Verma, Dy. Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

27.06.2019

1. Apprehending arrest in connection with Crime No. 618/2017 registered at Police Station Kharsiya, Distt. Raigarh (C.G) for the offences punishable under section 420/34 of IPC, the applicant has filed this application u/s 438 of the Code of Criminal Procedure.
2. As per the prosecution case, a report was made by Kanhaiya Ram Rathiya that he received compensation of Rs.44,22,275/- in lieu of acquisition of land which was deposited in the District Cooperative Bank, Dabra on 06.01.2012 and having coming to know this fact, the present applicant along-with other accused in order to

deceive the complainant allured him that the amount so received by him would earn more interest in other Banks and as such got withdrawn the amounts from the Cooperative Bank by taking his thumb impressions on the withdrawal forms. It is alleged that on 06.01.2012, Rs.21 lakhs was withdrawn. Again on 07.01.2012 Rs.15,22,000/- was withdrawn and on 13.01.2012, Rs.8 lakhs was withdrawn and the present applicant in connivance with other co-accused deceived complainant Kanhai Ram Rathiya and took away the amounts, thereby, the offence has been committed.

3. Learned counsel for the applicant would submit that the similarly placed co-accused have been given the benefit of anticipatory bail by this Court in M.Cr.C.A. No.138 of 2018 & other connected matters on 08.05.2018 and the case of the present applicant is similar to that of the co-accused, therefore, he may also be given the benefit of anticipatory bail.
4. Learned State counsel do not dispute the fact that the similarly placed co-accused have been enlarged on anticipatory bail by this Court.
5. Perused the case diary and the documents filed along with the petition. Considering the same and also taking into that the similarly placed co-accused have been enlarged on anticipatory bail, which is not disputed by the State counsel also and it is stated that the case of the present applicant is similar to that of the co-accused who have been enlarged on anticipatory bail, I am inclined to allow this anticipatory bail application.

6. Accordingly, the 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 his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the officer arresting him or the concerned Investigating Officer. The applicant shall also abide by the following conditions:-

- (i) that he shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that he 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 any police officer;
- (iii) that he shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that he shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**