

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1173 of 2019

- Ramkrishna Som S/o Jeevanlal Som Aged About 37 Years R/o D.N.K. Colony, House No. Pwd, G-3, Kondagaon, Police Station And District Kondagaon Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Kondagaon, District Kondagaon Chhattisgarh.

---- Respondent

For Applicant : Mr. Anup Majumdar, Advocate.

For Respondent/State : Ms. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

05/09/2019

1. The applicant has filed this first bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending his arrest in connection with crime no. 144/2019, registered at Police Station Kondagaon, Distt. Kondagaon, Chhattisgarh for the offence punishable under Section 420 of the IPC.
2. As per prosecution story, it is alleged that the applicant who is posted in Police Department had obtained Rs. 50,000/- in the year 2012 from complainant Smt. Mohni Bai Yadav for forthwith releasing the amount payable by the government to the martyr's family member, but neither the said amount was released in favour of the

complainant nor the amount of Rs. 50,000/- returned by the applicant. A report has been made by complainant Smt. Mohni Bai Yadav on 17.06.2019 in this regard.

3. Learned counsel appearing on behalf of the applicant submits that the applicant has falsely implicated in this case due to some dispute with the complainant. There is no evidence available on record on the basis of which any offence can be made out against him. The incident is of the year 2012 and the FIR has been lodged on 17.06.2019. He further submits that allegedly the amount of Rs. 50,000/- was given by the complainant to the applicant on 31.08.2012, whereas, the amount of compensation of Rs. 1,50,000/- and 2,50,000/- has already been deposited earlier in the bank account of the complainant on 27.07.2012 & 30.08.2012, therefore, no case under Section 420 of IPC can be made out against the applicant. The applicant is a government servant and also a reputed person, therefore, he may be granted anticipatory bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties. In my considered opinion, it is a fit case for grant anticipatory bail to the applicant.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:-
 - I. That the accused/applicant shall made himself available

- for interrogation before the concerned Investigating Officer as and when required;
- II. The accused/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. The accused/applicant shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
 - IV. 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/-

(Arvind Singh Chandel)
Judge