

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1380 of 2019**

1. Smt. Rajkumari, W/o Late Ramesh Shriwas Aged About 52 Years R/o Quarter No. 16/B, Road 5, Sector - 4, Bhilai, Police Station Bhilai Bhatthi, Police Station Bhilai Bhatti, Tahsil and District Durg, Chhattisgarh.
2. Sanjay Shriwas S/o Late Ramesh Shriwas Aged About 34 Years R/o Quarter No. 16/B, Road 5, Sector - 4, Bhilai, Police Station Bhilai Bhatthi, Tahsil and District Durg, Chhattisgarh.

---- Applicants**Versus**

- State of Chhattisgarh Through The Station House Officer, Police Station Bhilai Bhatthi, District Durg, Chhattisgarh.

---- Respondent

For Applicant : Shri B.P. Singh, Advocate.

For Respondent/State : Shri Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****25/11/2019**

1. The applicants have preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 89/2019 registered at Police Station Bhilai Bhatthi, District – Durg, (C.G.). for the offence punishable under Section 420/34 of Indian Penal Code.
2. As per the prosecution story, complainant Chetan Kumar Patel lodged a written complaint on 29.12.2018 alleging therein that co-accused Nikhil Chandrakar and Sumesh Shriwas have obtained Rs. 26,21,500/- from the complainant in different installments for providing service but they have provided forged and fabricated appointment orders to him. Applicant No. 1 is the mother and applicant No. 2 is the

brother of co-accused Sumesh Shriwas. Allegations against applicant No. 1 is that she has insured the complainant for return of his money and applicant No. 2 has issued the complainant a blank cheque for refund of his money. Thus, the present applicants have assisted the co-accused persons in commission of crime. On the basis of the said, offence has been registered.

3. Learned Counsel appearing for the applicants submits that the applicants are innocent and have been falsely implicated in the present case. He further submits that applicant No. 1 & 2 are mother and brother of co-accused Sumesh Shriwas respectively. Main accused persons are Nikhil Chandrakar and Sumesh Shriwas. It is further submitted that in the written complaint and in the F.I.R., name of the present applicants is not mentioned nor any allegations have been levelled against them. Applicants have not allured or obtained any money from the complainant. Therefore, *prima facie*, no offence under Section 420 of I.P.C. can be made out against present applicants. Looking to the above, applicants may be granted the benefit of anticipatory bail.
4. Learned Counsel appearing for the State oppose the bail application.
5. I have heard learned Counsel appearing for the parties and perused the material available with due care.
6. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution and further considering the fact that in the F.I.R. name of the applicants is not mentioned, nor any allegations have been levelled against them, therefore, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicants.
7. Accordingly, the bail application is allowed.
8. It is directed that in the event of arrest of the applicants in connection with the aforesaid crime, they shall be released on anticipatory bail on

each of them furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. They shall also abide by all the following terms and conditions :

- (i) They 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 fact to the Court,
- (ii) They shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) They shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
Judge