

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1701 of 2018**

Sourabh Sharma S/o Vishnu Sharma Aged About 19 Years R/o Village Moujbadi, P. S. Chhanera (Harsud), District Khandwa M. P., Madhya Pradesh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Urla District Raipur Chhattisgarh, District : Raipur, Chhattisgarh.

---- Respondent

For the Applicant : Shri R. Pradhan, Advocate.
For the Respondent/State : Shri H.S. Ahluwalia, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****11.02.2019**

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. 410 of 2018, registered at Police Station – Urla, District Raipur, Chhattisgarh for the offences punishable under Section 420/ 34 of the Indian Penal Code.
3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against this applicant. The applicant was only a student and working under co-accused- Aman Gupta all the amount that has been obtained, was received by the Director

himself and not by this applicant. Apart from that, the matter is almost settled between the parties and the complainant has received maximum portion of the amount taken from him by the co-accused. Hence, it is prayed that the applicant be enlarged on anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. Learned State counsel made a statement on the basis of the letter dated 2.2.2019 received from Station House Officer, police station Urla, Raipur and submits that according to the verification made by the orders of this Court, it has been found that the complainant has received Rs.6,00,000/- from the father of co-accused- Aman Gupta and there is an agreement of payment of remainder amount after filing of charge-sheet. 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. It is alleged that co-accused-Aman Gupta and this applicant and other accused persons gave inducement to complainant-Nohar Singh Yadav to make investment in the share-market promising huge returns. The complainant paid Rs.7,22,000/- to the accused persons but the same was not invested in the share-market. On coming to know about this, the FIR has been lodged.

7. Considering that the matter has been settled between the parties, I am of the considered view that the applicant deserves to be released on 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. 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 them 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