

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1741 of 2018**

Gorelal Manikpuri, S/o. Shri Sukrit Das Manikpuri, Aged About 57 Years,
R/o. Naila, Ward no.4, Janjgir Naila, Nagar Palika Parishad, Police Station
Janjgir, District Janjgir Champa Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through : Police Station Kotwali, District Korba
Chhattisgarh.

---- Respondent

For Applicant	: Mr. Devershi Thakur, Advocate
For Respondent/State	: Mr. Arun Kumar Shukla, G.A.
For Objector	: Mr. Anish Tiwari, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****21/01/2019**

1. Apprehending arrest in connection with Crime No.425/2018, registered at Police Station – Kotwali Korba, District – Korba (C.G.) for offence punishable under Section 420/34 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. No case is made out against the applicant on the basis of the material present in the case diary. According to the contents of the FIR, matter is purely of civil nature. The applicant himself has not received amount or benefited from the same and there is no requirement of custodial

interrogation. Therefore, it is prayed that the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that it is clear case of offence of cheating against the applicant, therefore, the application be rejected.
4. Counsel for the objector after adopting the arguments advanced on behalf of the State submits that no case is made out for grant of anticipatory bail.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. According to the FIR lodged in this case, the applicant in capacity of Secretary of Haridas Bhu Visthapit Jan Kalyan Seva Samiti Jave gave inducement to the complainant that Samiti has submitted tender for job advertised to C.G. State Power Generation Company and work order will be received, therefore, if the, complainant is interested, he should make deposit of earnest money. After duly entering into a written agreement, the applicant made deposit of Rs.2,05,000/- in the account of the Samiti, which was withdrawn and deposited with C.G. State Power Generation Company and tender was obtained. But the complainant was misguided that they have not received work order. Hence, the allegation has been made that the applicant has cheated the complainant.
7. Considered the submissions and the contents of the case diary. After considering on the nature of the evidence, it appears that there exists an agreement between the applicant and the complainant, regarding which the complainant has option for civil

remedy, hence, under these circumstances, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.

8. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
9. 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 him/her 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge