

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRCA No. 1723 of 2018**

- Mohit Garg, S/o Sheeshan Garg Aged About 35 Years R/o Sushanta City-2, Block-B, 938, Jassi Pawli, Police Station Sadar District Bahtinda, Punjab..

**---- Applicant**

**Versus**

- State of Chhattisgarh Through Station House Officer Police Station Chakarbhata, District Bilaspur Chhattisgarh..

**---- Respondent**

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For Applicant : Mr. Rupesh Shrivastava, Advocate.

For Respondent : Mr. Arun Shukla, Govt. Advocate.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**  
**Order On Board**

**20/03/2019**

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.118/2018 registered at Police Station-Chakarbhata, District-Bilaspur(C.G.), for the offence punishable under Sections 420/34 of the IPC.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out against him. The complainant in this case has already compromised with applicants and she has filed an affidavit in support of the same. The offence registered against the applicant is compoundable and there appears to be no requirement of his custodial interrogation, therefore, it is prayed that application be allowed.

3. Learned State Counsel opposes the bail application and the submissions made in this respect. It is submitted that the incident in this case is actually part of the racket in which the innocent persons are being cheated of their savings with the help of electronic devices and the applicant is one of the perpetrator of the crime, hence, he is not entitled for grant of anticipatory bail.
4. Heard both the parties and perused the case diary.\
5. The incident in this case is this, that savings of the complainant Raju Sahu in his bank of Rs.1,45,000/- were fraudulently withdrawn by some unknown person by making a phone call to the wife of the complainant representing himself as Bank Officer. Hence, this case.
6. The ground raised of compromise between applicant and the complainant has been verified by the investigation agency and that has been found to be correct. The State counsel has not been able to make any mention about criminal antecedent or registration or some other offences against the appellant, therefore, I do not find any reason to withhold relief to the appellant , I feel inclined to grant anticipatory bail to the applicant.
7. 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 his executing a personal bond in the 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.

Sd/-

**(Rajendra Chandra Singh Samant)**  
Judge

Nisha