

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 8 of 2020

Vinod Chopda S/o Late Polchand Ji Chopda, aged about 42 years, R/o Dau Choura, Khairagarh, District - Rajnandgaon Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through District Magistrate, Durg, District - Durg Chhattisgarh.

---- Respondent

For Applicant	: Mr. Tarendra Kumar Jha, Advocate.
For Respondent/State	: Mr. H.S. Ahluwalia, Dy. A.G.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

05/06/2020

1. The matter is heard through Video Conferencing.
2. The applicant has filed this 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. 359/2019, registered at Police Station: Chowki Anjora, P.S-Pulgaon, District: Durg (C.G.) for the offence punishable under Section 420 & 406 read with Section 34 of IPC.
3. In this case there are two accused persons. As per prosecution story, complainant namely Krishna Nishad made a written report alleging therein that, co-accused Devendra Dubey came to his village on 27.01.2019 and said that his mother is Sarpanch in the Hirri Panchayat and he is carrying on the business of paddy purchasing. He persuaded the farmers to sell their paddy. Farmers came under the influence of accused Devendra Dubey and sold about 230 quintals of paddy to him. Accused Devendra Dubey took the paddy and not done the payment to the farmers. On the basis of said application, initially offence was registered against co-accused Devendra Dubey. During course of investigation, and on the memorandum statement of accused Devendra Dubey in another Crime No.61/2019, he had disclosed the fact he purchased the paddy on behalf of the present Applicant, on commission basis. Thereby, according to the case of prosecution, present Applicant is involved in the said Crime-in-question.

4. Learned counsel appearing on behalf of the applicant submits that the applicant has been falsely implicated in the present case. He submits that there is nothing on record on the basis of which it can be said that the Applicant is the main culprit apart from the memorandum statement of accused Devendra Dubey. Hence, it is prayed that the Applicant may be granted benefit of anticipatory bail.
5. Per contra, learned counsel appearing on behalf of State opposes the bail application.
6. I have heard learned Counsel for the parties.
7. Considering the facts and circumstances of the case and arguments advanced by the counsel for the parties, without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the Applicant.
8. Accordingly, the anticipatory bail application is allowed.
9. 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