

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 243 of 2020

Aardhi Govind Rao S/o Late Aardhi Brahmanandam, Aged About 70 Years R/o Mahatma Gandhi Ward No. 3, House Number 184, Satnamipara, Urla, PS Urla, Raipur, District : Raipur, Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station Torwa, Bilaspur, District : Bilaspur, Chhattisgarh

---- Respondent

For Applicant/s	:	Shri Kishore Narayan, Advocate
For State	:	Shri Sudeep Verma, Dy. G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

19.06.2020

Heard.

The applicant is apprehending his arrest in connection with Crime No.258/2020 registered at Police Station – Torwa, Bilaspur, District – Bilaspur, (CG) for alleged commission of offence under Section 420/34 of the IPC.

2. Prosecution allegation is that Biriklal and Bhekhan Chandrakar extracted Rs.37,000/- each from Mohammad Khalid Iftkhar and Mohammad Izhar Khan in the name of providing employment in the railways. Allegation against the present applicant is that Biriklal in his memorandum statement stated that present applicant also works with them as an associate.

3. Learned counsel for the applicant would submits that the applicant was neither present at the time of giving and taking up money nor there is any allegation by the complainant that the applicant had received any money from Biriklal. He would further submit that the complainants namely Mohammad Khalid Iftkhar and Mohammad Izhar Khan have compounded offence with Biriklal and Bhekhan Chandrakar (Sahu) has already been granted regular bail. He would submit that in view of there being no specific allegation against the applicant, in the alleged

commission of offence, he may be granted anticipatory bail, particularly as he is aged 70 years and is not likely to abscond or interfere with the investigation.

4. On the other hand, learned State counsel opposes and submits that even though the applicant was not present at the time of giving of money by complainants, in the memorandum, it has come that he is also one of the associate of the co-accused Biriklal and Bhekhan Chandrakar.

5. Having considered the submission of learned counsel for the parties and particularly taking into consideration that the involvement of the applicant is based on memorandum statements of the co-accused that he is also stated as associate without specific role played by the applicant and further that the complainants have compounded offence with Biriklal and other co-accused Bhekhan Chandrakar has been granted bail, the applicant at this stage being 70 years of age is entitled for protection of anticipatory bail.

6. Accordingly, this application is allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the arresting officer and he shall abide by all the following terms and conditions -

(i) that the applicant shall make himself available for interrogation by a Police Officer as and when required;

(ii) that he 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 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/-
(Manindra Mohan Shrivastava)
Judge