

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRCA No. 241 of 2020**

Pankaj Kumar Giri S/o Late Rameshvar Giri Aged About 26 Years R/o D-Block, House No. 855, Nandgram, Post And P. S. Mariyam Nagar, Gaziyaabad U. P.

---- Applicant

**Versus**

State Of Chhattisgarh Through P. S. Aamanaka, Raipur Chhattisgarh

---- Respondent

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For Applicant : Mr. J.K. Gupta, Advocate.

For Respondent/State : Mr. Ghanshyam Patel, G.A.

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**Hon'ble Shri Justice Arvind Singh Chandel**  
**Order On Board**

**17/06/2020**

1. The applicant has filed this second 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. 18/2019, registered at Police Station Aamanaka, Distt. Raipur, Chhattisgarh for the offence punishable under Section 420,34 of the IPC.
2. First bail of the applicant was dismissed for want of prosecution vide order dated 22.01.2020 passed in MCRCA No. 1732/2019.
3. As per prosecution story, on 15.01.2019, complainant of the case namely Toman Lal has lodged a report alleging therein that he has purchased some *Bima* Policy, on 22.07.2018, some unknown person called him by the name of Alok Shrivastava and told him that he will recover his amount of policy and deposited money of the complainant through cash and cheque and later on neither the applicant returned his money nor attended the calls of the complainant. It has further been alleged that co-accused Sanjay Gangwar has called the complainant by the name of Alok Shrivastava and committed crime of cheating with the complainant.

Allegedly, the applicant has also involved in the crime in question.

4. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that only on the basis of memorandum statement of co-accused Sanjay Gangwar, the applicant is implicated in the crime in question. Except from the memorandum statement of the co-accused, there is no evidence available on record against the applicant. The Counsel further submits that applicant himself running a business by the name of Raj Enterprises and 20 employees have been working under him, therefore, the applicant has committed crime in question is not natural. Prima facie no case can be made out against the applicant. Hence, it is prayed that he 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 both the parties.
7. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and further considering the facts that the applicant has implicated in the crime in question only on the basis of memorandum statement of co-accused Sanjay Gangwar. 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. 20,000/- with one solvent 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**