

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 813 of 2020

- Anil Kumar Verma S/o Shri Jagdish Verma Aged About 65 Years R/o 14/1152, Vinoba Nagar, Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Tarbahar, Bilaspur, District Bilaspur, Chhattisgarh.

---- Respondent

AND

MCRCA No. 843 of 2020

1. Abhishek Verma S/o Anil Kumar Verma Aged About 38 Years R/o 14/1152, Vinoba Nagar, District :Bilaspur, Chhattisgarh.
2. Pradeep Verma S/o Late Shri Jagdish Verma Aged About 60 Years R/o Mission School Road, Baikunthpur, District Koriya, Chhattisgarh.
3. Sushil Verma S/o Late Shri Jagdish Verma Aged About 62 Years R/o Nehru Nagar, Bilaspur, District Bilaspur, Chhattisgarh.
4. Bharat Bhusan Verma S/o Late Shri Jagdish Verma Aged About 66 Years R/o Mission School Road, Baikunthpur, District Koriya, Chhattisgarh.
5. Pradeep Verma S/o Rajendra Verma Aged About 61 Years R/o Sai Parisar, Near Rama Magneto, Bilaspur, District Bilaspur, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Tarbahar, Bilaspur, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicants	: Shri Goutam Khetrapal, Advocate.
For Respondent/State	: Shri Sameer Sharma, Dy. G.A.
For Objector	: Shri Krishna Kumar Tiwari, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

10/07/2020

1. As both the cases arise out of same crime number, therefore, they are being decided by this common order.
2. The applicants have preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 143/2020 registered at Police Station Tarbahar, Bilaspur, District – Bilaspur, (C.G.) for the offence punishable under Sections 420, 506/34 of Indian Penal Code.
3. As per the prosecution story, on the behest of present applicants, complainant Ashwini Yadav, one of the pity contractor of Anil Buildcon, prepared an F.D.R. of Rs. 8,00,000/- and deposited the same in the Municipal Corporation as a guarantee. Allegedly, applicants withdrew the said amount of F.D.R. without informing the complainant, thereby they committed cheating with the complainant. It is further alleged that applicants also threatened to kill the complainant. Matter was reported by the complainant and on the basis of the said, offence has been registered against applicants.
4. Learned Counsel appearing for the applicants submits that the applicants are innocent and have been falsely implicated in the present case. He further submits that *prima facie*, no case under Section 420 of I.P.C. is made out against any of the applicants. The said F.D.R. was in the name of Anil Buildcon and applicants in this capacity were entitled to withdraw the said amount of F.D.R. Later on,

due to dispute with the applicants, complainant created dispute with the wife of the applicant No. 1 Abhishek Verma (MCRCA No. 843/2020) which was reported by wife of applicant Abhishek. Thereafter, in counter-blast complainant lodged the report against applicants. Thus, it is prayed that applicants may be granted benefit of anticipatory bail.

5. Learned Counsel appearing for the State and objector opposes the bail application.
6. I have heard learned Counsel appearing for the parties and perused the material available with due care.
7. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution and particularly considering the fact that said F.D.R. was in the name of applicants, therefore, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicants.
8. Accordingly, the bail application is allowed.
9. It is directed that in the event of arrest of the applicants in connection with the aforesaid crime, they shall be released on anticipatory bail on each of them furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. They shall also abide by all the following terms and conditions :

- (i) They 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 fact to the Court,

- (ii) They shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) They shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
Judge