

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1744 of 2019**

- Sohan Lal Sahu S/o Brijlal Sahu Aged About 32 Years R/o Ward No. 33, Kanhar Puri, Rajnandgaon, District Rajnandgaon Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station-Basantpur, District Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant	: Shri Arvind Dubey, Advocate.
For Respondent/State	: Shri Sushil Sahu, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**27/01/2020**

1. The applicant has preferred this first bail application filed under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 284/2019 registered at Police Station Basantpur, District Rajnandgaon, (C.G.) for offence punishable under Sections 420 and 34 of I.P.C.
2. Facts of the case, in brief, is that one Nikhil Tiwari lodged a report alleging therein that co-accused Sandeep Shrivastava, who is the Director of Arbiter Skill Foundation on assurance of return of double money, allured the applicant and took Rs. 4 Lakhs from him. Applicant is an employee of co-accused Sandeep Shrivastava. It is alleged that applicant has also taken Rs. 1 Lakh from complainant for doubling the said amount but he neither doubled the money nor returned the money to the complainant. Thus, applicant and co-accused Sandeep committed fraud. On the basis of the said, offence has been registered.
3. Learned Counsel appearing for the applicant submits that the applicant is innocent and has been falsely implicated in the present

case. He further submits that allurement has not been done by applicant as in the agreement dated 23.03.2018 executed between complainant and co-accused Sandeep, applicant has put his signature on it as a witness only. During course of investigation, both applicant and complainant have settled their matter and thereafter, complainant has taken total Rs. 96,000/- from the applicant in the police station, though, no acknowledgment has been given by the complainant to the applicant in this regard. However, intimation regarding said payment of amount has been given by the S.H.O. of Police Station Basantpur to the Superintendent of Police, Rajnandgaon, which is mentioned in the letter dated 17.02.2019 annexed as Annexure A/2. Thus, *prima facie*, no case is made out against present applicant. Looking to the above, it is prayed that applicant may be released on anticipatory bail.

4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard learned Counsel appearing for the parties and perused the material available with due care.
6. 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 applicant has put his signature in the agreement as a witness only, and after the compromise, applicant has also returned the amount to the complainant, therefore, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicant.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest of the applicant in connection with the aforesaid crime, he shall be released on anticipatory bail on his 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. He shall also abide by all the following terms and conditions :

- (i) 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/her from disclosing such fact to the Court,
- (ii) He shall not act in any manner which may be prejudicial to fair and expeditious trial, and
- (iii) He 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