

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 2012 of 2019**

- Sandeep Singh Chandel S/o Shri Shivam Singh Chandel Aged About 29 Years Jail Constable, Resident Of Jail Line, Rajnandgaon, P.S. Kotwali, Tahsil And District Rajnandgaon, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Office, Police Station Kotwali Rajnandgaon , Civil And Revenue District Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicants	: Smt. Seema Singh, Advocate.
For Respondent/State	: Shri Anand Verma, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****06/03/2020**

1. The applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 463/2019 registered at Police Station Kotwali, Rajnandgaon, (C.G.) for the offence punishable under Sections 420/34 of Indian Penal Code.
2. Facts of the case in brief, is that, in the month of January, 2017 a report was lodged against complainant Dr. R.K. Namdev and his son Shubham Namdev on the allegation of rape and subsequently they were taken into custody. At that time, present applicant, namely, Sandeep Singh Chandel was posted as Jail Prahari in the concerned jail. Present applicant alongwith other co-accused persons demanded Rs. 5,00,000/- from the complainant to settle the matter. Thereupon,

the complainant agreed and he called one Smt. Bharti Belchandan of his department to the jail and told her about the settlement of the matter for Rs. 5,00,000/-. Somehow, Bharti Belchandan arranged and gave Rs. 5,00,000/- cash in two installments, despite of that compromise did not take place between complainant and applicants. Thereafter, complainant asked the applicant and other co-accused persons to return the said amount but they did not return the amount. 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 incident occurred in the year 2017. Complainant was released from the jail in April, 2019 and F.I.R. has been lodged after a gap of four months i.e. on 17.08.2019 and prior to that no any complaint was made by Smt. Bharti Belchandan. He further submits that, after the murder of Shubham Namdev merg enquiry was conducted and during merg enquiry, co-accused Dinesh was severely tortured and harassed by the police and due to that he tried to commit suicide on 16.07.2019 by consuming poisonous substance. Co-accused Dinesh had also written one suicidal note in which he had mentioned regarding the torture and harassment done by police. Wife of the Dinesh has also lodged a complaint regarding the said torture caused by the police. On the basis of the said complaint, enquiry was initiated which is still pending. Therefore, to save themselves police officials with the help of complainant made a false complaint against applicant and other co-accused persons. It is further submitted that co-accused persons, namely, Dinesh

Maheshwari and Nitin Kumar Limbu have already been granted benefit of anticipatory bail by this Court vide order dated 20.11.2019 passed in MCRCA No. 1389/2019 and MCRCA No. 1397/2019. Thus, it is prayed that present applicant may also be granted benefit of 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 further considering the fact that incident occurred in the year 2017 and F.I.R. has been lodged on 17.08.2019, also that after being released on bail, Shubham Namdev, son of the complainant did not lodge any report and nor Bharti Belchandani had lodged any report, 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 bail applications are 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 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 will be prejudicial to fair and expeditious trial, and
- (iii) He 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