

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 211 of 2021**

- Chandan Kumar Meshram, S/o Late Haridas Meshram, aged about 45 Years, R/o Shakuntala Budha Gali, Station Para, Ward No. 11, Rajnandgaon, District- Rajnandgaon, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through Police Station- Outpost Chikhli, District- Rajnandgaon, Chhattisgarh.

----Non-applicant

For Applicant	Shri Prafull N. Bharat, Senior Advocate with Shri Mayank Chandrakar, Advocate.
For State	Shri C.B. Kesharwani, P.L.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

28/06/2021

1. The matter is heard through Video Conferencing.
2. The applicant has preferred this bail application under Section 438 of Cr.P.C. as he is apprehending his arrest in connection with Crime No. 539/2020 registered at Police Outpost Chikhli, Rajnandgaon, C.G. for the offence punishable under Sections 420, 465, 468 & 471 of Indian Penal Code.
3. Case of the prosecution, in brief, is that complainant- Durgakant Chandel lodged a written complaint against the present applicant alleging in it that the applicant assured him and Niklesh Shayamkuwar to procure employment in Health Department and

on this assurance, applicant had obtained a sum of Rs.12,00,000/- on various dates. Subsequently, applicant intimated them that the entire selection has been cancelled. On further inquiry, it was found that nobody has been posted from the select list. Thereafter, complainant party asked the applicant to return the amount on which he returned a sum of Rs.2,00,000/-. On the aforesaid allegation, the present crime has been registered against the applicant.

4. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that the allegation against the present applicant is false and baseless and charge sheet has not yet been filed. The applicant is ready to abide by all such conditions as may be imposed by this Court while granting anticipatory bail.
5. Learned Counsel appearing for the State opposes the bail application.
6. I have heard learned counsel for the parties.
7. Considering the facts and circumstances of the case, the nature of allegation leveled against the applicant, further considering the fact that the dispute between the parties is of civil nature, after the FIR, an agreement was executed between the parties regarding return of amount and the complainant party have received the amount back from the applicant, no objection was raised by the complainant party to release the applicant on bail

before the trial Court, the applicant has no criminal antecedents, though the matter is under investigation, however, no apprehension is shown by the State counsel of his absconding or tampering with or influencing the witnesses, no custodial interrogation of the applicant is required, without commenting anything on merits of the case, this Court is of the opinion that present is a fit case for granting anticipatory bail to the applicant. Accordingly, the 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 bail by the Arresting Officer on his furnishing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs.50,000/- each to the satisfaction of the Arresting Officer. Applicant shall be released on bail on the following conditions:-

- (i) he shall make himself available for interrogation before the Police as and when required,
- (ii) 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 fact to the Court or to the Investigating Officer,
- (iii) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iv) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
- (v) he shall strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
- (vi) he shall not involve himself in any offence of similar

nature in future.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicant involving himself in similar offence in future.

Sd/-
Gautam Chourdiya
Judge

Akhilesh