

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No.539 of 2021

1. Govind Jha S/o Late Shri Maheshwar Jha Aged About 72 Years R/o Village Ara Garden, Beli Road Patna, District Patna (Bihar).

---- Applicant

Versus

1. State Of Chhattisgarh Through District Magistrate Korba Station House Officer, Police Station Dipka, District-Korba Chhattisgarh.

---- Respondent

For Applicant	Mr. Kishore Bhaduri, Sr. Advocate with Shri Sunny Agrawal, Advocate
For Respondent /State	Mr. Sudeep Agrawal, Dr. Adv. Gen.

(Proceedings through Video Conferencing)Order on BoardByPrashant Kumar Mishra, Ag. CJ02/08/2021

1. The applicant has preferred this application for grant of anticipatory bail, as he apprehends his arrest in connection with Crime No.127/2020, registered at Police Station Dipka, District Korba, CG, for the offence punishable under Section 420, 34 of the Indian Penal Code.
2. Informant Brajesh Kumar Singh lodged a written complaint dated 22-8-2019 on the basis of which the present FIR has been registered on 8-8-2020 alleging that if they deposit

amounts with the accused persons the original amount will be returned after one year and thereafter, the additional amounts will be paid to them from the year after next. On this inducement the complainant has deposited amount by OnLine transfer in the account of co-accused Vijay Kumar Rastogi with Axis Bank, Varanasi (Uttar Pradesh). Brajesh Singh deposited Rs.3,24,000/- twice whereas other victims namely; Pushpa Yadav, Santosh Kumar Gupta, Yashwant Kumar Rathore, Madhuri Devi Rathore and Mohd. Mamtaj Ansari have transferred different amounts during the period 18-12-2017 to 18-1-2018. When after one year even the original amount was not paid back to them the complaint was lodged on 22-8-2019.

3. Learned senior counsel appearing for the applicant would submit that the applicant is a septuagenarian and had earlier served with Kedia Distilleries having no financial constraints, it is unimaginable that he would commit the offence. He would further argue that the amount has not been transferred in the account of the present applicant and further that during the relevant period he was obtaining treatment at the Max Health Care Facility, Delhi.
4. Learned counsel for the State, *per contra*, would oppose the bail application. He would submit that the initial inducement was by the applicant and in his diary statement the complainant alleges that he spoke to the present applicant on mobile phone on several occasions. Therefore, *prima facie*, this applicant is also involved in commission of cheating and fraud. Similarly, other victims have also named the present applicant.

5. Having considered the rival submissions it seems, the amount has not been transferred in the bank account of the present applicant. The applicant is a septuagenarian, therefore, considering all relevant aspects of the matters, this Court is inclined to release the applicant on anticipatory bail.
6. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant, he shall be released on anticipatory bail on his executing a personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand Only) with one surety in the like sum to the satisfaction of the arresting officer with the following conditions:-
 - he shall make himself available for interrogation by a police officer as and when required;
 - 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 facts to the Court or to any police officer.
 - he shall not influence the witnesses during pendency of the trial.

Sd/-

(Prashant Kumar Mishra)
Acting Chief Justice

Gowri