

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 610 of 2021**

- Mr. Vishal Khandelwal S/o Narayan Prasad Khandelwal, A/o 34 years, R/o Tamarhai Chowk, P.S. Kotwali, Jabalpur (M.P.).

---- Applicant**Versus**

- State of Chhattisgarh – Through : Station House Officer, Police Station Bhatti, Bhilai, District Durg (C.G.)

---- Respondent

For Applicant : Mr. Aman Pandey, Advocate.
For Respondent. : Mr. Vimlesh Bajpai, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****30/06/2021**

Proceeding through video conferencing.

1. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicant who is apprehending his arrest in connection with Crime Number 03/2021 registered at Police Station – Bhatti, Bhilai, District Durg (C.G.) for the offence punishable under Section 420 of Indian Penal Code.
2. Allegation against the present applicant is that during the period from 2013 to 2021, he took Rs.12,00,000/- from the complainant on the pretext of providing job in Indian Railway. Further allegation is that complainant had paid Rs.8,00,000/- through bank and rest of the amount of Rs.4,00,000/- was paid in cash, but he did not provide job to the complainant. Based on this, offence has been registered against the applicant.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that there is delay of about two years in lodging the FIR and no plausible explanation has been offered in this regard. He also submits that there was love affairs between the applicant and complainant. The complainant used to ask for different types of items from the applicant and deposit the amount in his account. He also submits that when the applicant did not like the complainant's behaviour, he broke the relationship with her as a result of which false case has been registered against him. He also submits that so far as payment of Rs.8,00,000/- is concerned, there is no entry of the amount in the bank statement of the applicant. That apart, there is also no evidence with regard to giving Rs.4,00,000/- in cash to the applicant. Therefore, the applicant may be granted anticipatory bail.
4. Counsel for the State however opposes the application for anticipatory bail.
5. I have heard learned counsel for the parties and perused the record. Learned State counsel submits that there is evidence with regard to depositing money five times in a single day.
6. After hearing counsel for the parties and considering the facts and circumstances of the case, nature of offence and further considering the fact that there is delay of two years in lodging the FIR, this Court is of the considered opinion that it is a fit case to grant anticipatory bail to the applicant.
7. Accordingly, the application is allowed. It is directed that in

the event of arrest of the applicant in connection with aforesaid crime number, he shall be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- with one local surety for the like sum to the satisfaction of the concerned arresting/investigating officer or the court concerned, as the case may be, with the following terms and conditions:

- (i) that the applicant shall make himself available for interrogation/medical examination before the concerned investigating officer as and when required;
- (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

(Rajani Dubey)
Judge