

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 800 of 2021**

Amit Verma S/o Dr. Sunil Verma, Aged About 44 Years, R/o Padmavati Apartment, Near Nehru Chowk, Police Station Civil Line, Bilaspur, District Bilaspur Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh Through Station House Officer, Police Station Chakarbhatta, District Bilaspur Chhattisgarh.

---- Non-applicant

For Applicant : Shri Shashank Thakur, Advocate
 For Non-applicant/State : Shri B.P. Banjare, Dy. Govt. Advocate

(Proceedings through Video Conferencing)
Hon'ble Shri Justice Parth Prateem Sahu

Order on Board**16.08.2021**

1. The applicant has preferred this first bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail, as he is apprehending his arrest in connection with Crime No.29 of 2021, registered at Police Station Chakarbhatta, District Bilaspur (C.G.) for offence punishable under Sections 384, 467, 468, 471 read with Section 34 of the Indian Penal Code and Sections 7 & 13(2) of Prevention of Corruption Act.
2. Case of the prosecution in brief, is that, complainant is a registered Advocate filed a written complaint on 01.03.2021 making allegations that applicant in connivance with other co-accused persons demanded money from him for revocation of suspension of enrollment of complainant. Initially Rs.2,00,000/- were demanded, which was brought down to Rs.1,00,000/-, out of which, complainant has paid Rs.60,000/- in cash remaining, Rs.40,000/- was further demanded and further adding Rs.5,000/- for another employee of Chhattisgarh State Bar Council. After

lodging of complaint, First Information Report was registered against the applicant and three other persons including Chairman of Chhattisgarh State Bar Council, Chairman of enrollment Committee of State Bar Council and one employee of State Bar Council for the aforementioned offences.

3. Shri Shashank Thakur, learned counsel for the applicant would submit that present applicant is working as Secretary at Chhattisgarh State Bar Council, he has to work under the direction and orders of different Committees of elected member of Chhattisgarh State Bar Council. Based on passing of resolution by Committees, applicant has to issue orders. He pointed out that complainant was earlier an employee of Revenue Department and after submitting his resignation, he submitted an application for his enrollment as Advocate with Chhattisgarh State Bar Council in the year 2018. As per requirement, complainant has to submit affidavit showing that there is no objection from the employer for getting ex-employee of Department for his enrollment as an Advocate with State Bar Council. After getting the complainant enrolled, he started practicing. Chhattisgarh State Bar Council received one complaint, lodged by one Umesh Banjare, which was processed by the applicant in discharge of his official obligation. The complaint was placed before the General Body for appropriate orders, upon which, General Body has passed the resolution authorizing the Chairman of State Bar Council (co-accused) to take appropriate action and pass necessary orders. The Chairman of State Bar Council vide its order dated 30.01.2021 suspended

the enrollment of complainant, upon which, complainant submitted representation. Considering the representation, order of suspension of enrollment was revoked on 01.02.2021. He further pointed out that extended period of elected body of State Bar Council came to an end on 01.02.2021. It is contended that applicant is an employee of State Bar Council, hence, he is not authorized to take any decision on his own and to pass any orders, but it is for the Committee constituted by elected members of Bar Council to take action and pass appropriate orders. He further pointed out that after registration of crime, entire documents of State Bar council relating to subject issue has been seized by the Police. Complainant has submitted WhatsApp messages, and voice recording of talk between complainant and applicant on the mobile to concerned Police Station. It is lastly contended that there is no requirement of custodial interrogation, applicant will not flee away and will participate in investigation as and when he was directed to appear for investigation of the crime registered by Police, there is no likelihood of tempering evidence because the complainant himself is witness, hence, applicant may be enlarged on anticipatory bail.

4. Per contra Shri B.P. Banjare, learned Deputy Govt. Advocate, representing the State opposing the submissions made by learned counsel for the applicant, would submit that though initially there was allegation against present applicant, complaint with regard to demand of money, subsequently applicant has directly demanded money from the complainant. Complainant has submitted voice

recording before the Police, which is part of case diary also in the form of transcript. He read over the transcript of voice recording dated 04.02.2021 and 07.02.2021 in support of his contention. He further submits that from the contents of transcript of voice recording, involvement of applicant in instant crime is *prima facie* appearing, hence, he is not entitled for grant of anticipatory bail. State Bar Council issued notice to complainant. Referring to explanation to notice by complainant as well as affidavit submitted along with application for enrollment of applicant with Chhattisgarh State Bar Council, he submits that complainant has mentioned in the affidavit that upon submitting Resignation Application, the Government or Collector have not passed specific order, therefore, there is deemed acceptance of his application for Resignation. However, on query, he submits that documents with respect to the proceedings initiated on complaint of one Umesh Banjare was seized by the Investigating Agency during the course of investigation and are available on record.

5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration entire facts and circumstances of the case, nature of allegations levelled against the applicant, material available in case diary, the fact as stated by learned counsel for the State that Police during the course of instigation, seized the documents from the Office of Chhattisgarh State Bar Council relevant relating to complaint, the complainant himself is the important witness, without commenting anything on the merits of

the case, I am inclined to release the present applicant on anticipatory bail.

7. Accordingly, bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on anticipatory bail on his furnishing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one surety in the like sum to the satisfaction of the arresting officer and he shall be abide by the following conditions :-

(i) he shall make himself available for interrogation by a police officer 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 facts to the Court or to any police officer.

(iii) he shall not influence the witnesses during pendency of the trial.

Certified copy as per Rules.

Sd/-
(Parth Prateem Sahu)
Judge