

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC (A) No. 895 of 2021

Govind Chauhan S/o Late Shyam Sundar Chauhan, Aged About 43 Years, R/o -Floral City, Hunda Raipur, Police Station -Mujgahan, District -Raipur Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station -Balod District -Balod, Chhattisgarh.

--- Respondent

For Applicant	: Ms. K. Tripti Rao, Advocate.
For State	: Mr. B.P. Banjare, Dy. GA.

(Proceedings through video conferencing)
Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

05/08/2021

Heard.

1. Applicant has filed this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.80/2021 registered at Police Station – Balod, Distt -Balod, (CG), for commission of offence punishable under Sections 420, 120 -B & 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that complainants Sant Kumar Sahu, Punarad, Tarun, Girdhari, Ramnarayan & Rajesh Thakur, have filed written complaints before concerned Police Station making allegations that Dhannulal Sarwa has taken money amounting to Rs.25 lacs in total from them on the ground that he will provide job in Government Ayurvedic College. Based upon written report, instant crime was registered initially against Dhannulal Sarwa and his wife Khileshwari Sarwa. During the course of investigation, present applicant was also arrayed accused in instant crime.
3. Learned counsel for the applicant submits that absolutely false and frivolous allegation has been levelled against applicant he is not involved in any manner in instant crime. Applicant was not named in written complaints lodged by all complainants nor in FIR, but his name came in the memorandum statement of main accused Dhannulal Sarwa. Apart from it, there is no material available in

case dairy to connect present applicant in instant crime. Co-accused Smt. Khileshwari Sarwa has been granted bail by the co-ordinate Bench of this Court in M.Cr.C(A).819/2019 vide order dated 5.07.2019, case of present applicant stands on better footing. Hence, he may be extended benefit under Section 438 of Cr.P.C.

4. On the other hand, learned State Counsel opposes the submissions made by learned counsel for applicant and submits that main accused Dhannulal Sarwa has disclosed name of present applicant in his memorandum statement. Hence, there is prima facie involvement of applicant in instant crime. However, on putting a specific question to learned State Counsel with regard to name of present applicant in written complaint or FIR, he replied that complainants have not named the present applicant in their complaints, his name finds place in the memorandum statement of Dhannulal Sarwa.
5. Heard learned counsel for the parties.
6. Considering the entire facts and circumstances of the case, nature of allegation levelled against applicant, the fact that complainants in their complaints have not mentioned the name of present applicant, co-accused Smt. Khileshwari Sarwa has already been granted anticipatory bail on 15.07.2021, without commenting anything on merits of the case, I am inclined to grant anticipatory bail to the applicant.
7. Accordingly, anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the crime in question, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Arresting Officer. The applicant shall also abide by the following conditions :
 - (i) that applicant shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that applicant 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 facts to the Court or to any police officer;

(iii) that applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) that 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/-
(Parth Prateem Sahu)
Judge

Jamal/-