

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1260 of 2020**

- Sandeep Sahu S/o Omprakash Sahu Aged About 27 Years R/o Ward No.5 Sahu Gali, Surajpur, Police Station And District Surajpur Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Kotwali Ambikapur, District Sarguja Chhattisgarh

---- Respondent

For Applicant	:	Shri Pragalbha Sharma, Advocate
For State	:	Shri Amit Verma, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****18/02/2021**

Heard.

1. The applicant is apprehending his arrest in connection with Crime No.322/2020 registered at Police Station – Kotwali, Ambikapur, Civil and Revenue District - Sarguja (CG) for alleged commission of offences under Section 420, 34 of IPC.
2. Prosecution case is that the co-accused, who is said to be main accused in the case, extorted Rs.80,000/- from the complainant on the false assurance of arranging employment. An amount of Rs.7,000/- was transferred to the account of the present applicant by the complainant and therefore, the applicant is also stated to be involved in the alleged commission of offence.
3. Learned counsel for the applicant would submit that even according to the complainant, either at the time when assurance was given by the co-accused or payment was made, the applicant was not present. He would submit that the applicant had supplied certain furnitures to the co-accused – Saurabh Sahu and he was to pay Rs.14,000/- to the applicant and towards re-payment of that amount, Saurabh Sahu got this amount transferred in the name of the applicant and the applicant was not knowing as to in what manner, this amount was transferred to his account.

4. On the other hand, learned State counsel opposes prayer and submits that only Rs.7,000/- was deposited in the account of the applicant by the complainant on the request of co-accused, therefore, a *prima facie* case is made out.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that even according to the complainant, at the time of his meeting with the co-accused, the applicant was not present and there is no other material except Rs.7,000/- transferred in the account of the applicant and this was the amount transferred by the co-accused Saurabh Sahu, I am inclined to extend the benefit of anticipatory bail to the applicant.

6. Accordingly, the application is allowed. It is directed that in the event of arrest, the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one local surety for the like sum to the satisfaction of the arresting officer and he shall abide by all the following terms and conditions:-

- (i) that the applicant shall make himself available for interrogation by a Police Officer as and when required;
- (ii) that 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) 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.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge