

(Proceedings through video conferencing)

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No.989 of 2021

- Chandraprabha Bhaskar, w/o Shesh Narayan alias Shekhar Bhaskar, aged about 35 years, R/o village Khaira Setganga, P.S. Fasterpur, District Mungeli (CG).

---- Applicant

Versus

- State of Chhattisgarh, through Station House Officer, PS City Kotwali, Mungeli District Mungeli (CG)

---- Non-applicant

For Applicant	:	Mr. FS Khare, Advocate
For Non-applicant	:	Mr. B.P. Banjare, Dy. Govt. Advocate

Hon'ble Mr. Justice Parth Prateem Sahu

Order On Board

24/8/2021

1. This is an application under Section 438 of CrPC for grant of anticipatory bail to applicant as he apprehends his arrest in connection with Crime No.356/2021 registered at Police Station City Kotwali, Mungeli (CG) for commission of offence punishable under Section 420 of IPC.
2. Case of the prosecution, in brief, is that complainant Anita Ahire lodged written complaint in the concerned police station mentioning therein that applicant has obtained Rs.6,90,000/- from complainant and two other women on the pretext of arranging appointment for them on the post of Anganbadi Worker, Department of Women and Child Welfare. However, after lapse of sufficient time, when they neither get government job nor the amount paid by them is returned to them, the complainant lodged complaint based on which crime is registered against applicant.
3. Mr. F.S. Khare, learned counsel for applicant submits that allegation levelled against applicant is false and frivolous. There was some loan transaction between applicant and husband of complainant. On 19.7.2021 the complainant, Sunita Jangde & Shailbai have submitted application before the Superintendent of Police, District Mungeli mentioning therein that they do not

want any proceeding on their complaint against applicant. An affidavit notarized by the Notary has also been executed by complainant on 23.7.2021 and in Para-3 of which also it is mentioned that she does not want any proceeding against applicant. It is also pointed out that at the time of hearing on bail application of applicant before the Court below, the complainant appeared in person and filed her affidavit to the effect that she has no objection in grant of anticipatory bail to applicant, mentioned in the impugned order. In these circumstances, applicant may be enlarged on anticipatory bail.

4. Mr. B.P. Banjare, learned Deputy Government Advocate for the State opposes the submissions made by learned counsel for applicant and submits that on the pretext of providing government job, applicant has not only obtained money from the complainant but also from two other women, hence he is not entitled to be enlarged on anticipatory bail.
5. I have heard learned counsel for parties.
6. Taking into consideration the nature of allegations; the documents placed on record, which are addressed to the Superintendent of Police, Mungeli and Station House Officer, Police Station City Kotwali, Mungeli respectively and contained the fact that the complainant does not want any proceeding on her complaint against applicant; and further considering the fact that in the impugned order it is mentioned that complainant personally appeared before the Court below at the time of hearing of bail application and filed affidavit to the effect that she has no objection in grant of anticipatory bail to applicant, without commenting anything on merits, I am inclined to grant benefit of anticipatory bail to applicant.
7. Accordingly, this anticipatory bail application is allowed and it is directed that in the event of arrest of applicant in connection with crime in question, he shall be released on anticipatory bail by the officer arresting him on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the

satisfaction of the Arresting Officer. Applicant shall also abide by following conditions:

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

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-