

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC (A) No. 1060 of 2021

Israil Choudhary S/o Shri Badruddin Choudhary, Aged About 44 Years, R/o Kali Badi Chowk, Vidya Nagar, Raipur, Civil & Revenue District -Raipur, Chhattisgarh.

----Applicant

Versus

State of Chhattisgarh Through PS- Sirgitti, District -Bilaspur, Chhattisgarh.

--- Respondent

For Applicant	: Mr. Ajay Mishra, Advocate.
For State	: Mr. Vimlesh Bajpai, GA.

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

06/09/2021

Heard.

1. Applicant has filed this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.41/2021 registered at Police Station –Sirgitti, District -Bilaspur, (CG), for the offence punishable under Section 420/34 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that one Vijendra Singh Thakur, Manager of Anil Industry received a call from Sudhir Khande, who enquired about details of tractor and its cost. Thereafter, Sudhir Khande and Ram Swaroop Shukla came to Anil Industry to purchase Tractor and shown their documents to Vijendra Thakur. They have also inquired with regard to finance of tractor. After examined/verified said documents and sanction of loan, Vijendra Thakur handed over the tractor to them. When other employees of Anil Industry went to the address given by Ram Swaroop Shukla of his residence, they do not found Ram Swaroop Shukla on the given address. Thereafter, complaint was lodged to concerned Police Station based upon which, instant crime was registered initially against Ram Swaroop Shukla and Sudhir Khande. During the course of investigation, based upon memorandum statement of Ram Swaroop Shukla, present applicant is also implicated in instant crime.

3. Learned counsel for the applicant submits that applicant is not involved in any manner in the instant crime. As per complaint lodged by Vijendra Singh Thakur (complainant) it is Ram Swaroop Shukla and Sudhir Khande, who visited the tractor agency submitted their documents and purchased the tractor in the name of Ram Swaroop Shukla. Present applicant is not aware about transaction between Ram Swaroop Shukla and complainant. When Ram Swaroop Shukla shown his intention to sale the tractor, it was purchased by present applicant for consideration of Rs.1,70,00/- . Hence, applicant may be enlarged on anticipatory bail.
4. Learned State Counsel opposes the submissions made by learned counsel for applicant and submits that applicant has purchased a new tractor only for consideration of Rs.1,70,000/- which shows that he is also involved in the instant crime. Hence, he is not entitled for grant of anticipatory bail. However, on putting a question to learned State Counsel, he submits that name of present applicant has come in the memorandum statement of Ram Swaroop Shukla and Sudhir Khande that they have sold the tractor to him.
5. Heard learned counsel for the parties.
6. Considering the entire facts and circumstances of the case, nature of crime, allegation leveled against Ram Swaroop Shukla and Sudhir Khande, the fact that name of present applicant has come in memorandum statement of co-accused persons that they have sold the tractor to applicant, without commenting anything on merits of the case, I am inclined to grant anticipatory bail to 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/-