

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1684 of 2020**

- Mohan Lal Jaiswal S/o Shivrath Jaiswal, Aged About 30 Years R/o Aga Chowk Ujar Purva Gali No. 01, Post Baldev Bag, Jabalpur, District Jabalpur (Madhya Pradesh) At Present Working Place Head Quarter- 01, Signal Training Centre Head Quarter Company Jabalpur (Madhya Pradesh).

---- Applicant

Versus

- State Of Chhattisgarh Through The District Magistrate, District Kabirdham Chhattisgarh.

---- Non-applicant

For Applicant : Shri P. Chetan Kumar, Advocate.

For Non-applicant : Shri Ayaz Naved, Government Advocate

Hon'ble Shri Justice Narendra Kumar Vyas**Order On Board****26.05.2021**

1. This is first application for grant of anticipatory bail under Section 438 of the Cr.P.C. preferred by the applicant.
2. The applicant is apprehending his arrest in connection with Crime No. 465/2020 registered at Police Station- Kawardha, District - Kabirdham (C.G.), for offence punishable under Sections 420, 120-B, 34 of the Indian Penal Code.
3. Case of the prosecution, in brief is that the applicant Mohan Lal Jaiswal along with other co-accused Ambikesh Jaiswal withdrawn amount through 25 online transactions to the tune Rs. 6,46,151/- from the bank account maintained by the complainant Lagandhari Divedi between period from 02.06.2020 to 12.07.2020, thus, committed offence under Section 420, 120-B, 34 IPC.
4. Learned counsel for the applicant submits that the applicant is innocent and

has been falsely implicated in the case, he is working with Signal Training Centre, headquarter of company at Jabalpur and the main accused Ambikesh Jaiswal who has withdrawn the amount and committed the offence by developing clone of the SIM of mobile number 8889257087 has returned the entire amount of Rs. 6,46,151/- to the complainant, therefore, the complainant has raised no objection before the learned trial Court for releasing the main accused Ambikesh Jaiswal on bail and on the basis of this submission learned trial Court has already granted bail to the main accused, therefore, the applicant may be granted anticipatory bail.

5. On the other hand, learned counsel for the State opposes the bail application, however there is no criminal antecedent against the applicant.
6. The learned trial Court has already granted regular bail to the main accused on the count that money has already been returned and the complainant has no objection in releasing the main accused on bail.
7. Looking to the facts and circumstances of the case and considering the fact that applicant is a government employee posted as cook in the Army Camp and the main accused has already been granted bail on the count that the entire amount of Rs. 6,46,151/- has already been returned back to the complainant, I am inclined to give benefit of Section 438 of the Cr.P.C. to the applicant.
8. Consequently, the M.Cr.C.(A) is allowed.
9. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, 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 Investigating Officer. The Applicant shall also abide by the following conditions :
 - (i) that the applicant shall make himself available for interrogation before the concerned police officer as and when required;
 - (ii) that the applicant shall not, directly or indirectly, make any inducement,

threat undue influence to the prosecution witnesses.

(iii) 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.

10. Certified copy as per rules.

Sd/-

(Narendra Kumar Vyas)
Vacation Judge

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