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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 312 of 2021

- Poornanand Dwivedi, S/o Late Chandrika Prasad Dwivedi, Aged About 45 Years, R/o Gayatri Mandir Chowk, Ward No. 02, P.S. Civil Line District Bilaspur At Present R/o 27 Kholi Durga Mandir Chowk District Bilaspur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through:- P.S. Sarkanda Bilaspur District Bilaspur Chhattisgarh.

---- Respondent

For Applicant : Mr. Dheerendra Pandey, Adv.
For Respondent/State : Mr. B.L. Sahu, P.L.

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High Court of Chhattisgarh
Bilaspur

Hon'ble Smt. Justice Rajani Dubey

Order on Board

25.06.2021

1. Heard.
2. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicant who is apprehending his arrest in connection with Crime No. 145/2021 registered at Police Station- Sarkanda, District- Bilaspur (C.G.) for commission of the offence punishable under Section 420 of IPC.
3. Case of the prosecution is that, it has been alleged that present applicant committed fraud of Rs. 2,00,000/- on account of giving job to the son of the complainant in Food Department. Based on this, offence was registered against the present applicant.
4. Learned counsel for the applicant submits that the present applicant is innocent and has been falsely implicated in this case. He further submits that applicant has returned the aforesaid money to the complainant and there is no antecedent registered against the applicant, therefore, the present applicant may be granted anticipatory bail.

5. On the other hand, counsel for the State however opposes the application for anticipatory bail submitting that the offence committed by the applicant is of serious in nature, therefore, no case is made out to release him on anticipatory bail.

6. After hearing counsel for the parties and considering the facts and circumstances of the case, in particular there is no antecedent registered against the applicant, this Court is of the considered opinion that it is a fit case to grant anticipatory bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicant in connection with aforesaid crime number, he shall be released on bail on his furnishing a personal bond in the sum of Rs. 50,000/- with one local surety for the like sum to the satisfaction of the concerned arresting/ investigating officer or the Court concerned, as the case may be, with the following terms and conditions:

(i) that the applicant shall make himself available for interrogation before the concerned investigating officer as and when required.

(ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts or the case as to dissuade him/her 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.

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Sd/-
(Rajani Dubey)
Judge

Ruchi