

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 864 of 2015

Manjit Singh S/o Surjit Singh Aged About 38 Years Retired Soldier, R/o LIG 251,
Veersawarkar Nagar, P.S. Kabir Nagar, Tahsil Civil & Reveue District - Raipur
Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through - Police Station - Kabir Nagar, Raipur, Distt. Raipur
Chhattisgarh

---- Respondent

Shri C.R.Sahu, counsel for the applicant/s.
Shri Ashok Swarnakar, Panel Lawyer for the State.

Order On Board

09/09/2015

Heard.

The applicant is apprehending his arrest in connection with Crime No.68/2015, registered at police station – Kabir Nagar, Raipur, Distt. - Raipur (CG) for alleged commission of offence under Section 420 IPC.

2. Prosecution case is that the applicant, despite having stated in the agreement that he would be paying the balance loan amount to the finance company, he did not pay the loan liability, due to which, the vehicle sold by the applicant and purchased by the complainant was seized by the finance company towards recovery of loan.

3. Learned counsel for the applicant submits that mere failure of the applicant to pay balance loan liability to the finance company does involve criminality. He submits that the dispute is of civil nature and the suit is already pending.

4. On the other hand, learned State counsel submits that failure on the part of the applicant to discharge loan liability despite clear condition in the agreement to sell, prima facie shows that at the very inception of the transaction, there was intention to cheat.

5. Taking into consideration the submission of learned counsel for the parties, particularly considering the submission that the dispute appears to be of civil nature on the allegation of breach of contract, the application is allowed.

6. 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 arresting officer on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the arresting officer with following further conditions that:

(i) the applicant shall make himself available for interrogation by the police officer as and when required;

(ii) the 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 from disclosing such facts to the Court or to any police officer;

Certified copy as per rules.

Sd/-

Manindra Mohan Shrivastava
Judge