

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 157 of 2016

Trilokchand Jayaswal S/o. Late Shri Ganpatlal Jayaswal, aged about 57 years, occupation- Businessman, Director of M/s. Vandana Trailers and Body Manufacturing Pvtl Ltd. Company Sakti, R/o.Village Sakti, Ward No.9, P.S. And Tahsil Sakti, District Janjgir Champa (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station Civil Lines, Bilaspur District Bilaspur (C.G.)

---- Respondent

For Applicant	:-	Mr. Awadh Tripathi, Advocate
For Respondent/ State	:-	Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

01/03/2016

1. Apprehending arrest in connection with the Crime No. 56/2016, registered at Police Station- Civil Lines, Bilaspur District Bilaspur (C.G.) for the offence punishable under sections 409,420,467,471 and 120B of Indian Penal Code. The applicant has filed this application under Section 438 of Cr.P.C. for grant of anticipatory bail.

2. Case of the prosecution, in brief, is that L & T Finance Limited Company had financed five vehicles for an amount of Rs. 1,30,000,00/- which was credited to the account of Vikash Sharma, who was the borrower. Subsequently, the amount of Rs. 92,50,000/- was paid to the dealer Shivam Motors Pvt Ltd is dealer of Tata Truck for chassis and machine. The body of truck were to be prepared for which five vehicles were handed over to this applicant, who is the owner of Vandana Trailers and Body Manufacturing Pvt Ltd. Company, in order to prepare the body of vehicle a part payment of Rs.

37, 40,000/- was paid to the applicant. Subsequently, the borrower failed to repay the loan, consequently, by an Arbitral award, the vehicle were directed to be seized. It is the case of the complainant, that the applicant was hand in gloves with the borrower has cheated the complainant of Rs. 37,40,000/-. Thereby, the offence is committed.

3. Counsel for the applicant submits that the applicant is involved in the business of preparing body of truck for truck/trailor. Therefore, in order to prepare the body of truck he collected an amount of Rs. 59,20,000/- and out of that Rs. 37,40,000/- was credited to the account of the applicant and remaining approximately amount of Rs. 21,80,000/- was still to be paid. He further submits that L & T Company wanted to seize the engines and body of trailer from factory of the applicant which was resisted by the applicant and subsequently, when the Arbitral Award was passed the vehicles were delivered. He further submits that initially the vehicle were not handed over by L & T Company to the applicant for preparation of body and it was handed over by Vikash Sharma to whom the loan was granted by L & T. He further submits that there is no iota of criminality made by this applicant and the present applicant is only the manufacturer of the body parts of trailer and against him the complaint case has been filed along-with the borrower before the Court, for no reason, therefore, the applicant may be given the benefit of anticipatory bail.

4. Per contra State counsel opposes the prayer for grant of bail.

5. Perusal of the documents and the copy of complaint which is filed alongwith this bail petition and the complaint case filed under section 156(3) of Cr.P.C. by L & T Company, would show that this applicant has been arrayed as respondent No. 4. The allegation against this applicant is that an amount of Rs. 37,50,000/- was paid for preparing body of truck and the applicant without

making having prepared the body of truck/ trailer has received the amount. Taking into the primary allegation available on record against this applicant and complaint would show that the main allegation has been made against Vikash Sharma, who was granted loan, considering the nature of transaction as the dispute arose because of repayment of loan was not made by original Lonee and taking into the role played by this applicant, this Court is of the opinion that the present is the fit case, the applicant should be enlarged on anticipatory bail.

6. Accordingly, the anticipatory bail application is allowed and 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 them on executing a personal bond in sum of Rs.25,000/- with one local 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 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 of the case so as to dissuade them 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) 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.

Sd/-

(Goutam Bhaduri)
JUDGE