

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**M.Cr.C.(A) No. 423 /2016**

Vipin Singh @ Bipin Singh, S/o. Satendra Singh, Aged About 52 Years,  
Occupation - Contractor, R/o. Village Bhatgaon, Police Station Bhatgaon,  
District Surajpur Chhattisgarh .

**---- Applicant**

**Versus**

State Of Chhattisgarh, Through the Police Station Bhatgaon, District  
Surajpur, Chhattisgarh

**---- Respondent**

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For Applicant : Mr. Ashok K. Shukla, Advocate.

For Respondent : Mr. Arvind Shukla, Panel Lawyer.

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order On Board**

**13/05/2016**

1. Apprehending arrest in connection with Crime No.51/2016 (wrongly mentioned as criminal case number in order sheet), registered at Police Station- Bhatgaon, District Surajpur (C.G.) for the offence punishable under Section 384, 294 & 506 of Indian Penal Code and Section 4 of Karja Act, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, one Anil Kumar had obtained loan from the applicant of Rs.10,000/- and thereafter blank cheques were given and though the loan was returned, the applicant has withdrawn in total Rs.36,000/- from the Bank and further has threatened that further amount would be recovered.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and the police officer in this case has taken undue interest and shown his personal indulgence and had tried to outrage the modesty of the girl of the applicant,

therefore, a report was made to the I.G. Police by Annexure A-4. He would submit that the false allegation has been leveled against the applicant and it is a complete out and out civil transaction as the dispute arose out of the monetary transaction. He further submits that the false submission was made at the time of rejection of bail application before the trial Court that the applicant has been inculpated in a case under Section 302 of IPC; therefore, he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.
5. On earlier date of hearing, the State counsel was directed to make submission about the pending cases against the applicant. It is submitted that by mistake the report was made before the trial Court that the case under Section 302 of IPC was registered against the applicant, however, on the basis of the communication made to the State counsel, he would submit that by a letter dated 09.05.2016 this fact has been stated that the case under Section 302 of IPC has wrongly been mentioned while rejection of the bail application before the trial Court.
6. Perused the statement and the document as also the report made to the I.G. Police and the communication made to the State counsel wherein it is stated that by a mistake it was wrongly informed before the trial Court at the time of rejection that the applicant was inculpated in a case under Section 302 of IPC. Perused the statement of the complainant. Considering the facts, it appears that some monetary transaction took place in between the parties, therefore, taking into the nature of case as prima facie it appears that it is a civil dispute, I am inclined to allow this bail application.
7. 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 him on furnishing a personal bond to a 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 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 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.

Certified copy as per rules.

Sd/-  
**(Goutam Bhaduri)**  
Judge