

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 435 of 2016

1. Tameshwar Sahu, S/o. Shri Hemrai Sahu, aged about 34 years, R/o. Janjgiri (B.M.Y.) Charoda, Thana-Bhilai-3, Tahsil and District-Durg (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : District Magistrate, District – Durg (C.G.)

---- Respondent

For Applicant	: Mr. Vinay Pandey, Advocate
For Respondent/State	: Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09/05/2016

1. Apprehending arrest in connection with Crime No.175/2016 registered at Police Station- Bhilai-3, District – Durg (C.G.), for offence punishable under Section 406 of Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, a report was made by one Ghanshyam Sahu alleging that he had given two vehicles i.e. Highwa Truck bearing No.C.G.-04-JD-1027 and C.G.-04-JD-8865 to the applicant on rent of Rs.25,000/- per month each on 08.04.2015. Subsequently, neither the rent was paid nor the truck was returned and when the demand was made about the rent and for return of truck, the complainant was called and forced to sign sale letter in favour of the applicant. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that in-fact the applicant has purchased the vehicles and were hypothicated to the bank and necessary installments were also paid. He further submits that

applicants has paid total amount of Rs.31,69,863/- including one time payment and payment of the installments of finance. The counsel relied on the document of sale receipt Annexure A/3 and payment to the bank showing payment of installments of the vehicles. Therefore, the counsel prays that the applicant may be extended the benefit of anticipatory bail.

4. Per contra learned State counsel opposes the application for grant of anticipatory bail.
5. Perused the statement, case diary as also the document of sale letter, which appears to be signed by the complainant on 31.01.2016. Considering the documents it appears that dispute between the parties is for sale transaction or about the payment of rent, which appears to be civil in nature. Taking into totality of the case I am inclined to extend benefit of anticipatory bail to the applicant as the custodial interrogation of the applicant may not be required in this case.
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 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 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