

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 2467 of 2017**

Mujjamil Hussain Saify S/o late Abdul Saify, aged about 51 years R/o Ali Asgar's House, Farid Nagar, Supela, Bhilai, Tahsil & District Durg, Chhattisgarh.

**---- Applicant**

**Versus**

State of Chhattisgarh through District Magistrate, Civil & Revenue District Durg, Chhattisgarh.

**---- Respondent**

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| For Applicant         | : | Shri Amiyakant Tiwari, Advocate |
| For Respondents/State | : | Smt. M. Asha, P.L.              |

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**Hon'ble Shri Justice P. Sam Koshy**

**Order on Board**

**21/07/2017**

1. The present applicant is in jail since 03.02.2016 in connection with Crime No. 30/2016 registered at Police Station Bhilai Nagar, District Durg (C.G.), for commission of the offence punishable under Section 420 r/w Section 34 of the I.P.C and Section 10 of Chhattisgarh Protection of Depositors Interest Act, 2005.
2. According to the complainant Dr. M. S. Afzal, he had given loan to the applicant at various occasions of different amount. Contention of the complainant is that on different occasions the present applicant used to ask money as loan in respect of the business that he was running and for financial assistance to support his family business. On the oral request being made, the complainant had provided money to the applicant which on demand, to repay the applicant has been avoiding repayment. Thus, the complainant has been defrauded by the applicant.

3. From the very nature of dispute as is narrated in the complaint of the complainant Dr. M. S. Afzal itself it clearly reflects that if at all the entire version is accepted, it is nothing but a dispute between the two families in respect of certain transactions that have taken place particularly monetary transaction. A plain reading of the complaint also reveals that every time, there was a request made by the applicant for money and that too on the oral request, the complainant had released money without any undertaking itself shows that there was no allegation of fraud or cheating committed by the applicant while seeking money from the complainant.

4. Taking into consideration the nature of dispute, more particularly it appears to be a money dispute between the complainant and the applicant, this Court is of the prima facie opinion that the applicant is entitled to be released on bail.

5. Accordingly, the present bail application is allowed. It is directed that in case if the applicant furnishes a personal bond for a sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the concerned trial Court, then he shall be released on bail. 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/-**

**(P. Sam Koshy)**  
**Judge**