

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 765 of 2017**

- Dayaram Patel S/o Harjibhai Patel, Aged About 52 Years R/o Main Road, Kondagaon, Police Station And Tahsil Kondagaon, District Kondagaon Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through Police Station Kondagaon, District Kondagaon Chhattisgarh.

---- Respondent

For Applicant	:	Shri Y.C. Sharma, Advocate
For Respondent-State	:	Shri Anupam Dubey, Dy. GA for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****07/12/2017**

1. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicant apprehending his arrest in connection with Crime No. 133/2017 registered at Police Station Kondagaon, District-Kondagaon (CG) for the offence punishable under Sections 406 & 420 of the I.P.C.
2. As per the prosecution case, a report was lodged by Smriti Mishra that she got a vehicle financed bearing registration No.C.G.-27-G-0166 and the present applicant entered into an agreement to ply

the vehicle, thereafter, the applicant got the vehicle transferred in his name and since the vehicle was obtained on finance, neither the finance amount was paid nor any rent of the vehicle was paid by the applicant. Thereby the offence has been committed.

3. Learned counsel for the applicant would submit that the nature of allegation would show that it is a civil litigation. He referred to the affidavit of the victim, wherein the admission has been made that the vehicle has been given to the applicant to ply the same.
4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.
5. I have perused the case-diary and the case-diary also contains an affidavit wherein the complainant has stated that she has signed the form to get the vehicle transferred in the name of the applicant on 11.11.2016. Considering the nature of the allegation and nature of transaction in between the parties, I am inclined to allow this anticipatory bail application.
6. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant, he shall be released on anticipatory bail on his executing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the arresting officer with the following conditions:-
 - (i) that the applicant shall make himself available for interrogation before the investigation 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 them by the said Court till disposal of the trial.

Sd/-

Goutam Bhaduri
Judge

Ashu