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HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 771 of 2017**

- Harvindar Singh Chhabra S/o Sardar Ujagar Singh, Aged About 30 Years, R/o Near Old Gurudwara, Manendragarh, P.S. & Tahsil Manendragarh, District Koriya, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through P.S. Manendragarh, Civil & Revenue District Koriya, Chhattisgarh

---- Non-applicant

For Applicant	: Shri Adil Minhaj, Advocate
For Non-applicant/State	: Shri Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****17/11/2017**

1. Apprehending arrest in connection with Crime No.268/2017, registered at Police Station- Manendragarh, District – Koriya (C.G.), for offence punishable under Section 354, 354B, 294, 323, 506 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.

2. It is submitted by the learned counsel for the applicant that this is first bail application of the applicant under Section 438 of the Cr.P.C. before this Court. The applicant has been falsely implicated by the complainant in this case. The applicant had advanced a loan of Rs.70,000/- to the husband of the complainant. A cheque of Rs.70,000/- was given by the complaint to the applicant for refund of the said loan. The cheque was dishonoured by the Bank on 07-07-2017. The applicant has through his counsel issued a notice against the complainant for proceeding under Section 138 of the Negotiable Instruments Act. It was

after the receipt of this notice, the complainant along with her husband and brother came to the restaurant of the applicant at about 6.00 p.m. in evening to enquire as to why the notice has been sent and she quarreled with the applicant and threatened the applicant that she will lodge a false FIR against them and left the place. Consequent to this incident, the false FIR has been lodged against the applicant. It is prayed that the applicant may be benefited with grant of anticipatory bail.

3. Learned counsel for the State/non-applicant opposes the application and submission made. It is submitted that the written complaint and the statements of the witnesses under Section 161 of the Cr.P.C. are clearly against the applicant. Hence, he is not entitled for grant of anticipatory bail.

4. I have heard the learned counsel for the parties and perused the case diary.

5. As per the case, on 08-08-2017 the complainant Sulekha Sonkar came to the restaurant of the applicant where the applicant was present. She stated that loan had already been repaid, even then the notice has been sent for no reason, because of which there were exchange of words between both the parties and then the applicant by force tried to outrage the modesty of the complainant by pulling her saree and also used abusive words and threatened them. The FIR has been lodged and the case is being investigated.

6. Considered the submissions and contents of the case diary.

7. Considering this fact that the applicant is resident of Manendragarh, District Koriya, his availability can be ensured by imposing suitable conditions and looking to the history of events prior to the lodging of the

FIR against the applicant, this Court is of the view that this is a fit case where benefit of anticipatory bail should be granted to the applicant.

8. Accordingly, the anticipatory bail application (MCRCA No. 771/2017) is allowed. 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.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge