

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1081 of 2016**

- Umesh Chandra Sahu S/o Uttam Singh, Aged About 48 Years R/o Qr. No. 20/ A, B Pocket Maroda, Sector Bhilai, Tahsil & District Durg, Chhattisgarh.

---- Petitioner**Versus**

1. State of Chhattisgarh Through Station House Officer, Police Chowki Padnabhpur, District Durg, Chhattisgarh.
2. Choramandal D.B.S. Finance Co. Ltd. Through Prabhat Singh Rajput, Associate Legal Co-Ordinator, Local Office, Second Floor, Room No. 5, Chouhan State, G.E. Road, Supela, Bhilai, Tahsil & District Durg, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Aman Kesharwai, Advocate
For Respondent/State	:	Shri Anupam Dubey, Dy.G.A.
For objector	:	None

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****16-02-2017**

1. Apprehending arrest in connection with Crime No. 280 of 2014 registered at Police Station Durg, District Durg (CG) for offence punishable under Sections 420, 467, 468, 469, 471 and 120 (B)/34 of the IPC, the applicant has preferred the bail petition under Section 438 of the Cr.P.C., for grant of anticipatory bail.
2. As per case of the prosecution, a report was made before the Court of Judicial Magistrate First Class, Durg, by Choramandal DBS Finance Co. Ltd., that the applicant had obtained loan in the year 2011 from the Company to purchase the vehicle. The loan amount was of Rs.6,30,000/- and the vehicle was Tata which was hypothecated in favour of the company. Subsequently, without repayment of the loan, the applicant sold the vehicle to one Amit

Jain on the basis of forged NOC on behalf of the company and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the entire RC book and documents were with the company and they have taken possession of the vehicle and sold it to someone. Since the vehicle was financed, the applicant was not holding of the original RC book. He would further submit that the entire transaction is of civil nature, therefore, under the facts and circumstances of the case, he may be extended the benefit of Section 438 of the Cr.P.C.
4. Learned State counsel opposes the prayer for grant of anticipatory bail.
5. Despite notice, no representation is made on behalf of the objector.
6. I have heard learned counsel for the parties, perused the case diary and documents. It appears that all the evidence appears to be civil in nature.
7. Taking into consideration all the facts and circumstances of the case, nature of allegations leveled against the applicant and further considering the fact that the evidence appears to be civil in nature, I am of the considered opinion, *prima facie* that it is a fit case where benefit of Section 438 of Cr.P.C., can be extended to the applicant.
8. 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 his executing a personal bond in the sum of Rs.25,000/- with one local 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) 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

Raju