

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 832 of 2017**

- Smt. Minakshi Thakur W/o Fanendra Kumar Thakur, Aged About 44 Years, R/o Flat No. 69/1, Nehrunagar, West Bhilai District Durg, Chhattisgarh
- Fanendra Kumar Thakur S/o Ramchandra Thakur, Aged About 48 Years, R/o Flat No. 69/1, Nehrunagar, West Bhilai District Durg, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Old Bhilai, District Durg, Chhattisgarh

---- Non-applicant

For Applicants	: Shri Shakti Raj Sinha, Advocate
For Non-applicant/State	: Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****28/11/2017**

1. Heard.
2. Apprehending arrest in connection with Crime No.226/2017 registered at Police Station - Old Bhilai, District Durg, District – Durg (C.G.), for offence punishable under Section 420, 506 of the Indian Penal Code, the applicants had preferred this application for grant of anticipatory bail.
3. At the outset, learned counsel for the applicants prays to not press the application for anticipatory bail filed on behalf of applicant No.2 Fanendra Kumar Thakur submitting that he has been arrested and granted regular bail by the trial Court.
4. Accordingly, the prayer and application filed on behalf of applicant No.2 Fanendra Kumar Thakur for grant of anticipatory bail is dismissed.

5. It is submitted that applicant No.1 Smt. Minakshi Thakur has been falsely implicated in this case. There had been a contract of supply of raw material with the complainant Santosh Kumar Agrawal worth Rs.25 lacs. The contract was made by a written instrument showing the terms and conditions and receipts of the considerations. As the applicant could not supply the raw material, false FIR has been lodged against applicant No.1 and another. It is simply a case of breach of contract, for which civil remedy is available. No case is made out of offence of cheating in this case. Hence, it is prayed that applicant No.1 Smt. Minakshi Thakur may be granted anticipatory bail.

6. Learned counsel for the non-applicant/State opposes the application and the submission made in this respect. It is submitted that case is still under investigation, hence for this reason, this applicant is not entitled for grant of anticipatory bail.

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

8. As per the facts of the case, a contract was entered between applicant No.1 and one another with complainant Santosh Kumar Agrawal on the terms as aforementioned. As the applicant could not performed the contract, the FIR has been lodged by the complainant.

9. Considering nature of the evidence as alleged in the complaint and other facts mentioned in the case diary, I am of the view that this is a fit case where applicant No.1 should be benefited with grant of anticipatory bail.

10. Accordingly, the anticipatory bail application filed on behalf of applicant No.1 Smt. Minakshi Thakur is hereby allowed. It is directed that in the event of arrest of applicant No.1 Smt. Minakshi Thakur in

connection with the aforesaid offence, she shall be released on bail by the officer arresting her on her 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. Applicant No.1 Smt. Minakshi Thakur shall also abide by the following conditions :

- (i) that she shall make herself available for interrogation before the investigating officer as and when required;
- (ii) that she 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 she shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that she shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge