

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1025 of 2017

Santosh Kumar Baidh S/o Roop Ram Baidh, Aged About 31
Years R/o Shridev Honda Main Road Farasgaon P.S. Farasgaon
District Kondagaon, Chhattisgarh (Surname Wrongly Mentioned
In Order Impugned) **--- Petitioner**

Versus

State of Chhattisgarh through the Police Station Farasgaon,
District Kondagaon, Chhattisgarh **--- Respondent**

For the applicant : Mr. Pravin Tulsyan, Advocate.
For the State : Mr. Neeraj Sharma, Dy. Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

15.12.2017

1. Apprehending arrest in connection with Crime No. 106/2017 registered at Police Station Farasgaon, Distt. Kondagaon (C.G) for the offences punishable under section 420 of IPC, the applicant has filed this application u/s 438 of the Code of Criminal Procedure.
2. As per the prosecution case, one Dilip Ganjeer made a report that he along-with other persons have purchased a two wheelers from the present applicant who was the sub-dealer of Vaheguru Automobiles and the present applicant was working at Farasgaon and in lieu of payment, the applicant has received over and above the price amount of vehicle and has not handed over the papers of registration, insurance and finance of the vehicle to the complainant and others.
3. Learned counsel for the applicant would submit that the

applicant was only working as sub-dealer of the Vahegu Automobiles and the amount was collected as per the bill raised by Vaheguru Automobiles and he is ready and willing to give all the documents of registration, insurance and finance to the complainant and other affected persons and no criminal act has been committed by him. He further submits that the nature of allegations are completely civil in nature, therefore, the applicant may be enlarged on anticipatory bail.

4. Per contra, learned State Counsel opposes the prayer.

5. Perused the statements Dilip Ganjeer and Dinesh Kumar.

Taking into consideration the nature of allegations and the statements of Dinesh Kumar and Dilip Ganjeer and further considering the submission of the applicant that he is ready and willing to give the documents of registration, insurance, finance etc., to the complainant and other persons, I am inclined to extend the benefit of section 438 of Cr.P.C., to the applicant.

6. Accordingly, the 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 executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the officer arresting him or the concerned Investigating Officer. The applicant shall also abide by the following conditions :-

- (i) that he shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that he 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 any police officer;

(iii) that he shall not act in any manner which will be prejudicial to fair and expeditious trial; and

(iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**

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