

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2470 of 2017

Mujjamil Hussain Saify S/o late Abdul Saify, aged about 51 years R/o Ali Asgar's House, Farid Nagar, Supela, Bhilai, Tahsil & District Durg, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh through District Magistrate, Civil & Revenue District Durg, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Amiyakant Tiwari, Advocate
For Respondents/State	:	Smt. M. Asha, P.L.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

21/07/2017

1. The present applicant is in jail since 03.02.2016 in connection with Crime No. 1213/2015 registered at Police Station Supela, District Durg (C.G.) for commission of the offence punishable under Section 420 r/w Section 34 of I.P.C and Section 10 of Chhattisgarh Protection of Depositors Interest Act, 2005.
2. According to the complainant Subhan Khan who is a retired employee of Bhilai Steel Plant, he had given loan to the applicant at various occasions of different amount and the total amount given to the applicant is Rs.1,05,05000/-. Contention of the complainant is that on different occasions the present applicant and his family members used to ask money as loan in respect of their business they were running and for financial assistance to support their family business. On the oral request being made, the complainant had provided money to the applicant which on demand, the applicant has been avoiding repayment. Thus, the

complainant has been defrauded by the applicant and his family members.

3. The very nature of dispute as is narrated in the complaint of the complainant Subhan Khan itself clearly reflects that if at all the entire version is accepted, it is nothing but a dispute between the two families in respect of certain transactions that have taken place particularly the monetary transaction. A plain reading of the complaint also reveals that every time, there was a request made by the applicant and his family members for money and that too only on the oral request, the complainant has released money without any undertaking itself shows that there was no allegation of fraud or cheating committed by the applicant while seeking money from the complainant. It is all the more necessary to refer to the fact that co-accused Hina Saify, the daughter of the present applicant has already been granted bail by this court in MCRC No.5476 of 2016 dated 01.12.2016.

4. Taking into consideration the nature of dispute it appears to be a money dispute between the complainant and the applicant, this Court is of the prima facie opinion that the applicant is entitled to be released on bail.

5. Accordingly, the present bail application is allowed. It is directed that in case if the applicant furnishes a personal bond for a sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the concerned trial Court, then he shall be released on bail. 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.

Sd/-
(P. Sam Koshy)
Judge