

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 988 of 2017**

Amandeep Singh S/o Late Kulvinder @ Kuldeep Singh, Aged About 33 Years R/o 27 Kholi, P.S. Civil Lines, Tahsil And District Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through S.H.O., P.S. Chakarbhata, Bilaspur, District Bilaspur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Hemant Gupta, Advocate.
For the Respondent/State : Shri Vinod Tekam, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****04.04.2018**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.

2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 324 of 2017, registered at Police Station – Chakarbhata, District – Bilaspur, Chhattisgarh for the offences punishable under Sections 420, 384 and 427/34 of the Indian Penal Code.

3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. A complaint was made by complainant – Satishdhar Diwan in P.S.

Chakarbhata stating that this applicant with other persons with intention to take possession of the vehicle financed by Kotak Mahindra, had threatened the complainant that he is going to seize the vehicle so financed, hence, action be taken. It is submitted that police station Chakarbhata did not proceed with the complaint and an information under Section 155 of the Cr.P.C. on 18.4.2017 was given to the complainant, to proceed before the Court having proper jurisdiction. Subsequent to that, a private complaint was filed before the Court of Judicial Magistrate First Class, Belha on 28.4.2017, but without there being any ground and reason P.S. Chakarbhata registered FIR on 3.8.2017 on the same facts, whereas the same police station had refused to proceed earlier. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that clear allegation has been made by the complainant against this applicant about his role for making his intention for snatching and for taking his vehicle. Hence, no case is made out for grant of anticipatory bail to the applicant.

5. Heard counsel for both the parties and perused the case diary.

6. The brief case of the prosecution that complainant – Sasidhar Diwan had purchased the vehicle loader bearing registration No. C.G.-10-DA 3902 on finance from Kotak Mahindra Finance Company and as he was unable to repay some installments, it is alleged that this applicant with others had approached the complainant and threatened him to seize the vehicle, if the loan installment is not paid. Hence, this case.

7. Considering the material present in the case-diary, the concerned property which was threatened to be seized or regarding which the intention was made clear by this applicant, is still with the possession of this complainant, and it is a fact that the applicant was working as an agent in the Kotak Mahindra, I am of the considered view that the present is a fit case where the applicant should be benefited with grant of anticipatory bail.

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 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. He 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 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.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge