

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 229 of 2018**

Raj Kumar Singh, S/o. Shri Shiv Shankar Singh, Aged About 24 Years,
Occupation -Proprietor Of Singh Enterprises, 9/7 Govind Nagar, Pandri,
Raipur, Chhattisgarh, R/o 14, Block Domanhil, Chirmiri, Police Station
Chirmiri, Tahsil Khadgawan, District Korea, Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Police Station
Ambikapur, District Surguja, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Pushpendra Kumar Patel, Advocate
For Respondent/State	: Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****03/05/2018**

1. Apprehending arrest in connection with Crime No.12/2018, registered at Police Station – Ambikapur, District – Surguja (C.G.) for offence punishable under Section 420 read with Section 34 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. The applicant, who is the proprietor of M/s. Singh Enterprises had entered into an agreement with the complainant Pushkar Agrawal to supply various products and for which he has received Rs.9.00 Lakhs, but as the applicant could not supply the goods as ordered by the

complainant, a false complaint has been made by the complainant against this applicant alleging the offence of cheating committed in this case. In fact it is a case of business transaction and this applicant has simply failed to supply the goods as ordered for which the complainant has remedy before the Court of civil jurisdiction. In the subsequent development, this applicant has returned all the amount to the complainant and acknowledgement has also been signed by the complainant. Copy of that acknowledgement is filed along with this application. Hence, it is prayed that no case is made out against the applicant. Hence, for this reason, it is prayed that the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that according to the contents of the case diary, clear case of offence of cheating is made out, hence, he is not entitled for grant of bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. The case against the applicant is briefly discussed herein above.
6. Considered the submissions made and the contents of the case diary. On perusal of the case diary, it appears that it is a case of failed business transaction for which the complainant had remedy available but he had made choice to file a complaint against the applicant in criminal jurisdiction. Considering the nature of allegation against the applicant and also after considering on the statement of compromise made by the counsel for the applicant, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.

7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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. 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) 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge