

COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 269 of 2018

- Krishna Kumar Sharma S/o Parmanand Sharma Aged About 40 Years
R/o House No. 12/40, Mother Terrace Nagar, Camp 01, Bhilai, Police
Station Chawni, Tahsil And District Durg Chhattisgarh, District : Durg,
Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station
Jamul, Durg, District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Malay Shrivastava, Advocate.
For Respondent	:	Mr. Anupam Dubey, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

29/06/2018

1. Apprehending arrest in connection with Crime No.56/2018 registered at Police Station- Jamul District – Durg(C.G.), for offence punishable under Section 406 of the Indian Penal Code (for short 'IPC'), the applicant has preferred this application for grant of anticipatory bail.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. The case is clearly a civil dispute regarding the payment of the amount entrusted to the applicant to the complainant, which applicant had been unable to pay because of his own financial disabilities, hence, it is prayed that he may be released on regular bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. According to prosecution case, the applicant had to pay the amount of brokerage Rs.4 lakh to the complainant which he had received from the complainant and the same was not paid because of which dispute arose. First complaint was made to Special Investigation Cell, before which an agreement was entered between the applicant and the complainant. The applicant agreed in this agreement to repay the amount to the complainant but the same has not been paid so far, hence, the FIR has been lodged.
6. Considered entire material present in the case diary, that appears to be a glimpse of civil nature in this case because of which I am of this opinion that this is a fit case where applicant should be enlarged on anticipatory bail.
7. Accordingly, the anticipatory bail application is allowed. 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 her by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)

Judge