

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRCA No. 466 of 2018

Gautam Lamba S/o Late Guljeet Kumar Lamba, aged about 30 years, R/o Usha Heights, Shrikant Verma Marg, Police Station Tarbahar, Tahsil & District Bilaspur (C.G.).

---- Applicant

Versus

State Of Chhattisgarh, Through – Station House Officer, Police Station Civil Lines, Bilaspur, District Bilaspur (C.G.).

---- Respondent

For Applicant	:	Shri Neeraj Pradhan, Advocate
For Respondent	:	Shri Syed Majid Ali, Dy.G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

17/07/2018

1. The present is an application filed under Section 438 of Cr.P.C. seeking for anticipatory bail to the applicant apprehending his arrest in connection with Crime No. 773/2016 registered at Police Station Civil Lines, Bilaspur (C.G.) for the offence punishable under Sections 406, 294 & 506 of IPC.
2. The case of the prosecution against the present applicant is that, the complainant – Priya Vidhani is said to have when she was having good terms with the present applicant given him one I-phone-6 mobile and money worth Rs.2.5 Lakhs which on demand was not returned or paid back by the present applicant and on the contrary, he is frequently threatening of dire consequences and also using abusing language.
3. The counsel for the applicant submits that, it is not the first time when the complainant has lodged a complaint against the present applicant. It is a case where in the past also, she has lodged similar complaints, but the police authorities have not registered an offence on the ground that the nature of dispute being more of civil in nature and thus prayed for granting the benefit of anticipatory bail to the present applicant.
4. The State counsel however opposed the bail application.

5. Considering the facts and circumstances of the case, particularly taking note of the statement of the complainant, this Court is of the opinion that the nature of dispute apparently reflect more of civil nature.
6. Thus, this Court is of the opinion that present is a fit case where the applicant is entitled for benefit of Anticipatory Bail.
7. Accordingly, the application under Section 438 of Cr.P.C. is allowed. It is directed that in the event of arrest of the present Applicant in connection with the aforesaid offence, he shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like amount to the satisfaction of the concerned arresting/investigating officer or the Court concerned, as the case may be, with the following terms and conditions:
 - (i) that the applicant shall make himself available for interrogation before the concerned 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.

Sd/-
(P. Sam Koshy)
Judge