

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 485 of 2018**

Jeevan Ratre S/o Jhigut Ratre Aged About 32 Years R/o Village Tenganapali, Post Office Kotri, P. S. And Tahsil Sarangarh, Civil And Revenue District Raigarh Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Sarangarh, Civil And Revenue District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Vinod Tekam, Advocate.
For the Respondent/State	:	Ms. M. Asha, P.L.
For the Objector	:	Shri Rajeev Kumar Dubey, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****20.06.2018**

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. 173 of 2018, registered at Police Station – Sarangarh, District – Raigarh, Chhattisgarh for the offence punishable under Section 420 of the Indian Penal Code.
3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. In fact, the dispute between the applicant and the complainant is purely of civil nature. There had been an agreement to supply machine for manufacturing of fly ash bricks between the applicant

and the complainant and the applicant had supplied the same but the complainant herself has refused to take delivery and has made a false complaint against the applicant. There is no criminality in the dispute between the applicant and the complainant. 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 the investigation reveals the commission of offence of cheating. Hence, no case is made out for grant of anticipatory bail to the applicant.

5. Learned counsel for the Objector submits that the applicant has made totally a false statement before this Court and till date, the applicant has not supplied the machine for manufacturing fly ash bricks which shows the intention to cheat. Hence, the applicant is not entitled for grant of anticipatory bail.

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

7. Complainant – Kaushilya Golhey filed a complaint before the concerned Court alleging that there had been an agreement between her and the applicant in which the applicant was bound to supply the machine for manufacturing fly ash bricks. Bank loan of Rs.9,00,000/- was obtained and paid to the applicant and apart from that, margin money was also paid, in total 15,90,000/- was paid, to the applicant, but the machine was not supplied. By orders of the concerned Court under Section 156(3) of the Cr.P.C., FIR has been lodged.

8. Considered the material present in the case-diary and also perused the documents submitted alongwith the application. Earlier, the complainant had moved a complaint before the Consumer Disputes Redressal Commission, Raipur, in which learned commission had observed that according to the evidence produced before the commission the machine was supplied to the complainant but she has refused to take the delivery of the same, but the complaint was dismissed on the ground that the dispute between the parties is not the consumer dispute.

9. After considering the entire material in the case-diary, it appears that the dispute between the applicant and the complainant has a glimpse of civil nature in this case. Therefore, I am of the considered view that the present is a fit case where the applicant should be benefited with grant of anticipatory bail.

10. 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