

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRCA No. 578 of 2018**

Dayaram Patel S/o Harji Bhai Patel Aged About 52 Years Caste  
Patel R/o Main Road, Kondagaon, Tahsil Kondagaon, District  
Kondagaon Chhattisgarh

**----Applicant**

**Versus**

State Of Chhattisgarh Through The Station House Officer, Police  
Station Kondagaon, District Kondagaon Chhattisgarh,

**---- Respondent**

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For applicant – Shri D.C. Verma, Advocate.  
For Respondent/State – Smt. Astha Shukla, PL.

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order**

**25/06/2018**

1. Earlier the applicant was granted anticipatory bail in M.Cr.C.(A) No.765/2017 on 7/12/2017, however after charge sheet was filed further addition of sections 467, 468 and 471 IPC has been made, therefore present anticipatory bail application has been filed.
2. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 133/2017 registered at Police Station Kondagaon, District Kondagaon (C.G.) for offence punishable under Sections 406, 420, 467, 468, 471 of IPC.
3. As per the prosecution case, a report was lodged by the complainant Smriti Mishra that she got a vehicle financed bearing registration No.C.G. 27 G 0166 and the applicant entered into an agreement to ply the vehicle, thereafter the applicant got the vehicle transferred in his name on the basis of false agreement and document, neither the finance amount was paid nor any rent of the vehicle was paid by the applicant. Thereby the offence has been committed.
4. Learned counsel for the applicant submits that considering the facts

of this case the applicant was granted anticipatory bail on the earlier date, however at the time of filing of the charge sheet further addition of sections 467, 468 and 471 of IPC is made and the entire transaction is in nature of civil transaction, no criminality can be attached and in order to defeat the earlier bail order subsequent addition of section has been made, therefore the applicant may be granted benefit of anticipatory bail.

5. Learned State counsel opposes the prayer for grant of anticipatory bail and would submit that on the basis of certificate of expert opinion on the basis of transfer deed addition of section was made. State counsel is unable to substantiate the fact that after filing of the charge sheet whether any notice was given to the applicant or not?

6. Considering the facts, earlier order and the case diary, I am inclined to extend benefit of anticipatory bail to the applicant.

7. 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 local 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) 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/-

(Goutam Bhaduri)

JUDGE

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