

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 772 of 2018

- Sanjay Agrawal S/o Shri Govindram Agrawal Aged About 50 Years
Occupation- Business, Laxmi Auto, Kharsia, R/o- Village/p.O.- Near
New Shyam Mandir Kharsia, Tahsil And Police Station Kharsia,
District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Police Station- Kharsia, District-
Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Respondent

For Applicant	: Mr. Sudeep Agrawal, Advocate
For Respondent/State	: Mr. Anupam Dubey, Dy. G.A.
For Objector	: Mr. F.S. Khare, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

10/08/2018

1. Apprehending arrest in connection with Crime No.293/2018, registered at Police Station- Kharsia, District – Raigarh (C.G.), for the offence punishable under Sections 406 & 420 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 allegation

against this applicant that after the sale of vehicle he has though received cash amount from the purchaser but did not return the same to the financier complainant, is totally false. The bank statement shows that applicant had made refund of the amount which was financed to the purchaser by the complainant soon after the sale transaction. Hence, 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 the applicant is continuously engaged in this kind of offence in which the purchase is made on the basis of finance from the complainant company whereas the cash amount from the purchaser was used to be received by the applicant. Hence, no case is made out for grant of bail.
4. Adopting the arguments advanced by the State Counsel, it is submitted by the learned counsel for Objector that after the disclosure of this case in which an amount of Rs.37,000/- is involved, an inquiry has been made in which it has been found that applicant has been committing similar fraud since last 10 years and thereby cheated the complainant company and caused loss of Rs.76 lakhs.
5. In reply, counsel for applicant submits that the statement that applicant has fraudulently obtained Rs.76 lakhs from the complainant is totally false because complainant himself filed a complaint against the applicant in which he has stated that this applicant borrowed Rs.70 lakhs from him for his business.
6. I have heard the learned counsel for the parties and perused the case diary and the documents.

7. The case against this applicant is this, that one Shyamlal Yadav purchased a two wheeler from the auto agency of this applicant on 28.6.2013 which was financed by the complainant finance Company. Later on, the purchaser made full payment in cash to the applicant but the amount borrowed from the complainant company has not been refunded. Hence, this case.
8. Considered on all the material present in the case diary, after due consideration looking to the dispute between the parties and also considering the bank statement about refund to complainant produced before this Court for perusal, I feel inclined to grant anticipatory bail to this applicant.
9. 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

Nisha