

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRCA No. 825 of 2018**

- Kamal Kishore S/o Rasiya Sahu, Aged About 37 Years Caste - Teli, R/o Manapsar, P.S. Sarsiva, Tahsil Bilaigarh, District Balodabazar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station, Sarsiva, District Balodabazar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

**---- Respondent**

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For Applicant : Mr. Raghvendra Pradhan, Advocate.  
For Respondent/State : Mr. Anupam Dubey, Dy. Govt. Advcoate.

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

**24/08/2018**

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.113/2018 registered at Police Station-Sarsiva, District – Baloda Bazar-Bhatapara(C.G.), for the offence punishable under Section 420 of the Indian Penal Code.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. The fact is this, that this applicant had borrowed Rs.79,200/- from the complainant and as security, he had given the registration papers of his vehicle. The

vehicle was hypothecated to the finance company, it is clearly mentioned in the registration certificate. Even then the complainant has made false allegation, that applicant has suppressed this fact about the hypothecation of the vehicle and thus cheated him. The applicant has defence that he has repaid the borrowed amount to the complainant. Hence, it is prayed that he may be released on anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect.
4. Heard the parties and perused the case diary.
5. The case against the applicant is briefly discussed hereinabove, it appears that it is case of financial transaction between applicant and the complainant and there is some dispute about the status of the security between both of them.
6. After due consideration on all the material present in the case diary, I am of this view that this is a fit case where applicant should be released on anticipatory bail .
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 his executing a personal bond in the 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 them by the said Court till disposal of the trial.

Sd/-

**(Rajendra Chandra Singh Samant)**  
Judge