

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1051 of 2018**

Kishor, S/o. Marotirao Wandekar, Aged About 38 Years, Occupation Business, R/o Shahu Nagar, Majalgaon, Ta. Majalgaon, District Beed, Maharashtra.

----Applicant**Versus**

State Of Chhattisgarh, Through : The Officer Incharge, P. S. Khamtarayi, Raipur, District Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. M.N. Ali and Mr. Akil Ahmad, Advocates
For Respondent/State	: Mr. Anupam Dubey, Dy. G.A.
For Objector	: Mr. Devershi Thakur, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****24/09/2018**

1. Apprehending arrest in connection with Crime No.410/2018, registered at Police Station – Khamtarayi, Raipur, District – Raipur (C.G.) for offence punishable under Section 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. It is submitted that there had been a simple business transaction with the complainant to supply the sugar worth Rs.64.00 Lakhs to the concern of the complainant, in which the applicant has failed after making partial supply of the goods. Subsequent to which an

agreement was entered between the applicant and the complainant, copy of which has been attached with this application, in which the terms were agreed that the applicant will make refund of the remaining amount on subsequent dates for which he gave three post dated cheques of State Bank of India to the complainant and there was arrangement that the complainant will inform the applicant, if the cheques were presented for withdrawal. The complainant have presented the cheques without the information given to the applicant, which has been dishonored, regarding which complaint case under Section 138 of Negotiable Instrument Act has been filed in the Court as per the information given by the applicant. Hence, there had been no intention of the applicant to cheat the complainant. The applicant is ready to cooperate with the investigation. Hence, under these circumstances, 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 huge amount has been involved in this case, hence, the applicant is not entitled to be released on bail.
4. Counsel for the objector submits that the intention of the applicant had been to cheat the complainant from very beginning, as without having capability to supply the goods, he has received huge amount from the complainant and similarly from other 4-5 businessmen of Raipur, who have made huge payments to the applicant for supply of goods in which he has failed and the amount received by him has not been returned to any of the persons aggrieved. Hence, under these circumstances, the custodial

interrogation of the applicant is required in this case, hence, he may not be released on anticipatory bail.

5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. The case against the applicant has been briefly discussed herein above and there is no need to discuss further.
7. Considered the submissions made and the contents of the case diary. After considering all the material present in the case diary it appears that at the initial stage there had been transaction of the supply of the goods, as the applicant has failed to supply the same and also failed to return the amount received in advance, because of which, FIR has been lodged against him, hence, after due consideration, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
8. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
9. 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 him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram