

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1094 of 2018**

Akbar Haydari S/o Ahsan -Ul-Haq Aged About 67 Years R/o House No. A- 4,
Behind Shriram Vihar, Mining Office, Ring Road, Ps Rajendra Nagar, District
Raipur Chhattisgarh., District : Raipur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The District Magistrate Durg, District Durg
Chhattisgarh., District : Durg, Chhattisgarh.

---- Respondent

For the Applicant : Shri Ashutosh Mishra, Advocate.
For the Respondent/State : Shri Anupam Dubey, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****25.09.2018**

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. 413 of 2017, registered at Police Station – Chhawani, District – Durg, Chhattisgarh for the offences punishable under Sections 420 read with Section 34 of the Indian Penal Code.

3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. It had been a case of simple business transaction in which the applicant has made the repayment of all the

amounts received from the complainants. Hence, the complainants had filed an affidavit before the Sessions Court to express no objection for grant of bail, which was not considered by the concerned Court. Certified copy of the documents were also attached alongwith this application. 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.

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

6. According to the case against the applicant, the applicant is a building material supplier who received an order from complainants – Sunil Gupta and Naveen Gupta to supply building material worth Rs.6,70,000/-. After making supply of building material of worth Rs.65,000/-, the applicant failed to supply the remaining building material and the cheque given by him towards the payment of the balance amount to the complainants was also dishonoured. Hence, this case.

7. Consequent to the development that has taken place i.e. according to the statement given by the applicant and also the fact that the complainants themselves have filed an affidavit expressing their no objection stating that they have received all the amount due from the applicant, I am of the considered opinion that the applicant deserves to be released on anticipatory bail.

8. 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. 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 them 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