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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1362 of 2018

- Sandeep Gupta S/o Purshottam Gupta, Aged About 42 Years, Through Proprietor Sandeep Stationary Mart And Book Depot Dev Shri Talkies Road, Dhamtari, District Dhamtari Chhattisgarh R/o Ramsagar Para Ward, Dhamtari, District Dhamtari Chhattisgarh., District : Dhamtari, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer ,police Station City Kotwali Dhamtari, District Dhamtari Chhattisgarh., District : Dhamtari, Chhattisgarh

---- Non-applicant

For Applicant – Shri Kunal Das, Advocate.

For Non-applicant/State – Shri Ashish Shukla, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13-11-2018

1. Apprehending arrest in connection with Crime No.431/2018, registered at Police Station – City Kotwali Dhamtari, District Dhamtari, Chhattisgarh for offence punishable under Section 420 of the IPC, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. The complaint that has been made by the complainant is baseless, for that the complainant has civil remedy available. The applicant has not committed any criminal act. Hence, it is prayed that the applicant may be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application.
4. Heard learned counsel for the parties and perused the case diary.
5. The case against the applicant is this, that he has borrowed Rs.8,00,000/- from complainant Dinesh Kumar Sahu and he has not repaid the same. The cheques issued by him in favour of the complainant have been dishonoured by the Bank. Hence, the FIR has been lodged.

6. Considered on the entire material present in the case diary. As it has appeared that the complainant has option to avail the remedy available in Civil Court, hence, I feel inclined to allow this application.

7. 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 him by the said Court till disposal of the trial.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge