

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1479 of 2018**

Shashikant Mishra, S/o. Shri Nirbhay Nath Mishra, aged about 38 years,
R/o. Anand Nagar, P.S. Kusmunda, Tahsil – Katghora, District -Korba
(C.G.)

----Applicant**Versus**

State Of Chhattisgarh, Through : S.H.O., Police Station – Kusmunda,
District - Korba, Chhattisgarh.

---- Respondent

For Applicant : Mr. M.P.S. Bhatia, Advocate
For Respondent/State : Mrs. Madhunisha Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****14/11/2018**

1. Apprehending arrest in connection with Crime No.309/2018, registered at Police Station – Kusmunda, District – Korba (C.G.) for offence punishable under Section 294, 506, 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 complainant is wholesale fruit merchant, from whom the applicant used to make purchase of fruits. The applicant has stopped purchasing fruits from the applicant and there are some dues against the him and he is unable to pay the same to the complainant, hence, for this reason,

the false FIR has been lodged. It is submitted that the dispute between the parties is totally of civil nature. Therefore, it is prayed 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 when the demand of dues was made, the applicant and his associates threatened and abused the complainant, hence, no case is made out for grant of anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. According to the FIR lodged, complainant is the employee of Companion Fruit Merchant in Bhilai from where the applicant used to make purchase of fruits in wholesale. It is alleged that the applicant has stopped payment of fruits and has not paid the dues and when the demand being made, the applicant and his associates threatened and abused the complainant.
6. Considered the submissions made and the contents of the case diary. After due consideration on all the material present on record and considering the facts and circumstances of the case, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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