

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 314 of 2019**

Mukesh Namdev, S/o. Gopal Namdev, Aged About 36 Years, Present Branch Manager, R/o. Sahaspur Lohara, Police Station and Tahsil Sahaspur Lohara, District Kabirdham, Chhattisgarh. Shri Ram Transport Finance Company Limited, Raipur, Road, Above Panjab National Bank Kawardha, Tahsil Kawardha District Kabirdham, Chhattisgarh.

----Applicant**Versus**

Imran Khan, S/o. Karamatddin, Aged About 26 Years, R/o. Poditola, Police Station Sahaspur, Lohara, Tahsil Sahaspur Lohara, District Kabirdham, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Arvind Shrivastava, Advocate
For Respondent	: Mr. K.P.S. Gandhi, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****29/04/2019**

1. Apprehending arrest in connection with Criminal Complaint Case No.1653/2018, pending before the Judicial Magistrate First Class, Kabirdham (C.G.) for offence punishable under Section 384 (383 additional mentioned in rejection order) 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. No case is made out against the applicant on the basis of the material present in the case diary. The applicant is Branch Manager of Shriram Transport Finance Company Limited posted at Kawardha and in the incident as alleged to have taken place on 07.04.2017, there is no mention of this applicant being present there. The allegation made that truck was forcefully repossessed by the other persons at the instance of

this applicant is totally false in fact the complainant had himself got the truck financed and failed to repay the installments and therefore, according to the clause 6-B of the agreement between the company and the complainant, the company has all authority to repossess the vehicle and same authority has been exercised. Therefore, it is prayed that the applicant be granted anticipatory bail.

3. Per contra learned counsel for the respondent opposes the application for grant of bail and the submissions made in this respect. It is submitted that it was clearly on the instruction given by the applicant, the other person have looted the vehicle from the possession of the complainant. The Court below has found the entitlement of the applicant and ordered for interim custody of the vehicle to him. The complainant is still ready and willing to make payment of all dues to the company, therefore, the act of the applicant shows his high handedness. Therefore, the applicant should not be released on 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 complaint filed on the date of incident muscle-man of Shri Ram Transport Finance Company on the instruction given by the applicant had forcefully taken the possession of the truck bearing registration No. C.G.09-B-0739 from the possession of the complainant, which he had got financed from Shri Ram Finance Company.
6. Considered the submissions made and the contents of the case diary. After considering all the facts and circumstances of the case

and the nature of the allegation against this applicant, 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 trial Court. 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