

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 344 of 2019**

Vinod Kumar Pandey S/o Late Krishna Swaroop Pandey Aged About 35 Years Caste Brahmin, Occupation R/o Sundarpur, (Bhittikala) P. S. And Tehsil Ambikapur District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Police Station Pathalgaon, District Jashpur Chhattisgarh, District : Jashpur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Shakti Raj Sinha, Advocate.
For the Respondent/State : Shri Adil Minhaj, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****13.03.2019**

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. 235 of 2018, registered at Police Station Pathalgaon, District Jashpur, Chhattisgarh for the offence punishable under Section 420 of the Indian Penal Code.

3. It is submitted by 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 placed before the Court by the prosecution. The

applicant and the complainant both are in dairy business. The applicant had entered into an agreement with the complainant for purchase of cows for his dairy regarding which, he has paid some advance money. Due to shortage of money, this applicant entered into an agreement for sale of some cows from dairy to the complainant himself and regarding which, on receiving the consideration money he has again paid to the complainant the remaining amount for purchase of fresh cows. Therefore, it is a case of simple money transaction between the applicant and the complainant which has gone wrong somewhere. The applicant himself has made a claim for refund of money from the complainant himself. Hence, it is prayed that the applicant be enlarged on anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that according to the FIR lodged, no case is made out for grant of anticipatory bail to the applicant.

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

6. According to the FIR lodged, the applicant had agreed to sell some cows to the complainant and received some advance money, but later on, the applicant sold the same cows to some other persons and when he was asked to refund the money received as advance that was refused by the applicant. The documents show that a complaint has also been made by the applicant, against the complainant, stating that there are dues to be received from the complainant which is dated prior to lodging of FIR against the applicant.

7. Considering the material present in the case-diary and also looking to the nature of dispute between the applicant and the complainant, I am of the opinion that the present is a fit case where the applicant is entitled 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