

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 428 of 2019**

Navnil Tiwari @ Mintu Tiwari, S/o. C.P. Tiwari, Aged About 39 Years, R/o. Palika Road, Shanti Nagar, Bhilai – 3, District Durg Chhattisgarh.

----Applicant**Versus**

1. Smt. Sharda Tiwari, W/o. Late K.N. Tiwari, Aged About 62 Years, R/o. Kailash Niwas, Plot No. 163 - B, Sadak - 8, Smriti Nagar, Police Station Supela, Bhilai, District Durg Chhattisgarh.
2. State Of Chhattisgarh, Through : District Magistrate Durg, District Durg Chhattisgarh.

---- Respondent

For Applicant	: Mr. T.K. Jha, Advocate
For Respondent No.1	: Mrs. Sunita Sahu, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****13/05/2019**

1. Apprehending arrest in connection with Criminal Complaint Case No.405/2010, registered at Police Station – Bhilai-3, District – Durg (C.G.) for offence punishable under Section 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. No case is made out against the applicant on the basis of the material present in the case diary. In fact it had been a simple money transaction between the applicant and the complainant, who is paternal aunt of the applicant. Initially money Rs.2,80,000/- was given to the applicant for purchase of truck for son-in-law of the complainant. Later on, the applicant has purchased the truck on his own name by agreement with the complainant, that the applicant shall make

refund of the amount in installments. The applicant has during the passing of time has paid some installments, but because of financial and other family difficulties, he has been unable to make repayment of remaining installments, therefore, false FIR has been lodged. Therefore, it is prayed that the applicant may be granted anticipatory bail.

3. Counsel for the respondent No.1 opposes the application and submits that in case anticipatory bail is granted to the applicant, some dead lines may be fixed for making complete repayment of the amount.
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 prosecution case, private complaint was filed against the applicant. It is alleged that this applicant borrowed Rs.2,80,000/- from the complainant Smt. Sharda Tiwari for making purchase of a truck. The truck was purchased by the applicant, however, the applicant has not complied with the terms of repayment.
6. Considered the submissions made and the contents of the case diary. After considering the nature of allegation i.e. against the 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 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