

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 402 of 2019**

1. Devesh Soni, S/o. Surendra Soni, Aged About 28 Years,
 2. Sandeep Soni, S/o. Surendra Soni, Aged About 30 Years
 3. Pinki Soni, D/o. Surendra Soni, Aged About 26 Years,
 4. Surendra Soni, S/o. Ratan Soni (wrongly mentioned in the impugned order Ratan Lal Soni), Aged About 55 Years,
- All are R/o. Village Berla, Tahsil Berla, Thana Berla, District Bemetara Chhattisgarh.

----Applicants**Versus**

State Of Chhattisgarh, Through : The Police Station Berla, District Bemetara Chhattisgarh.

---- Respondent

For Applicants	: Mr. Deepak Jain, Advocate
For Respondent	: Mr. Aadil Minhaj, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****11/04/2019**

1. Apprehending arrest in connection with Crime No.77/2019, registered at Police Station – Berla, District – Bemetara (C.G.) for offence punishable under Section 420/34 of the Indian Penal Code and Section 3 (1) (10) of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, the applicants have preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. No case is made out against the applicants on the basis of the material present in the case diary. The complainant has made totally false allegation against the applicants. The applicant No.1 has got financed a car from Kotak Mahindra Bank Limited and he himself is making payment of the installments. The allegation that applicants

had borrowed money from the complainant is baseless as there is no written document or acknowledgement in their support. Therefore, it is prayed that the applicants be granted 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 according to the statement made by the complainant, the applicants have borrowed Rs.11.00 lakhs from the complainant promising that they will get the car registered in the name of the complainant and thereafter have also abused the complainant of her caste name. Therefore, 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. Complainant Yogeshwari Dhruve is a member of scheduled tribe. She has stated in the complaint filed by her that on the basis of the acquaintance, the applicants have borrowed money about Rs.11.00 lakhs from the complainant for purchase of one vehicle, which was purchased and registered in the name of the applicant No.1. According to the promise made, the vehicle was to be registered and transferred in the name of the complainant, which has been refused by the applicants and the complainant has also been insulted and abused on the basis of her social status. Hence, this case.
6. Considered the submissions made and the contents of the case diary. After considering the entire material present in the case diary so far there is nothing documentary evidence in this case to show the financial transaction between the applicant and the

complainant. The giving and taking of money is only depending on the statement of the complainant. Hence, after due consideration, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicants.

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 applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them 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 applicants shall also abide by the following conditions :
 - (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
 - (ii) that the applicants 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 applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge