

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 505 of 2019

- Jasvant Singh @ Roli Singh, S/o Anil Kumar Singh, Aged About 28 Years, R/o Mohalla Chatrivan Baksar, Tahsil & District Baksar, Bihar.

---- Applicant

Versus

- State of Chhattisgarh Through Police Station City Kotwali Ambikapur District Surguja Chhattisgarh.

---- Respondent

For Applicant : Mr. Sanjay Agrawal, Advocate.

For Respondent : Mr. Aditya Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

22/04/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.73/2019 registered at Police Station-Ambikapur, Surguja(C.G.), for the offence punishable under Section 406 of the Indian Penal Code.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out for commission of offence against the applicant. Infact it had been a commercial transaction between the applicant and the complainant, in which the complainant provided his trucks to the applicant for engaging them in transport of sand. In total the trucks of the complainant have plied only for 10 days and then the complainant had making a statement of his requirement borrowed from the applicant Rs.23,92,000/-, thereafter the complainant had lodged false FIR

against the applicant and making false allegation that the applicant has committed the offence of breach of trust and also has received back of the trucks in his possession and has not refunded the borrowed amount to the complainant, hence, it is prayed that application be allowed.

3. Learned State Counsel opposes the bail application and the submissions made in this respect. It is submitted that the FIR lodged by the complainant was earlier on 6.2.2019, on the basis of which action has been taken and, thereafter, the applicant has filed complaint to the police which is a new story, therefore, the application be rejected.
4. Heard both the parties and perused the case diary.
5. According to the FIR lodged, the applicant and complainant both entered into an agreement, in which the applicant was to ply the trucks of the complainant for transportation of sand. It is alleged that the applicant has not made any payment as agreed, and also has refused to return the trucks to the complainant. Hence, this case.
6. Considered the entire material present in the case diary and also perused the documents filed along with the application. On the basis of which the complaint filed by the applicant. One FIR has been registered against the complainant also for offences under Sections 406 & 420 of IPC in police-station-Baksar, Bihar.
7. As argued that it is a case of commercial dispute between both the parties and on this ground applicant appears to have a good defence, therefore, I am of this opinion that this is a fit case where applicant should be granted 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 his executing a personal bond in the 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge