

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 529 of 2019

- Dhansingh Mandavi S/o Durgesh Mandavi Aged About 37 Years R/o Village Kevat, Tehsil And District Kondagaon Chhattisgarh, District : Kondagaon, Chhattisgarh

---- Applicant

Versus

1. State Of Chhattisgarh Through The Police Station Kondagaon District Kondagaon Chhattisgarh, District : Kondagaon, Chhattisgarh
2. Prashant Kumar Saav S/o Late Moolchand Saav Aged About 54 Years R/o Civil Line Ward Pathraguda Para, Jagdalpur, Bastar District Bastar Chhattisgarh, District : Bastar(Jagdalpur), Chhattisgarh

---- Respondents

For Applicant : Mr. Raza Ali, Advocate.
For Respondent : Mr. Arun Shukla, Govt. Advocate.
For Objector : Mr. Purnendra Khichariya, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

14/05/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Criminal Complaint case No.473/2018 registered at Police Station- Kondagaon, District- Kondagaon (C.G.), for the offence punishable under Sections 294, 506-B, 408 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 against the applicant. The respondent No.2 has filed a totally false complaint against the applicant. The dispute between the applicant and the complainant is only to this extent that the applicant had asked complainant to pay rent for parking of his vehicle in the premises of this applicant and as such, it is a dispute of civil nature, hence, it is prayed that he may be granted anticipatory bail.
3. Learned State Counsel makes formal objection in this petition.
4. Learned counsel for Objector adopted the arguments submitted by the counsel for State and opposed the bail application.
5. Heard both the parties and perused the case diary.
6. According to complaint filed, the complainant used to park his bore vehicle in the premises of this applicant. When complainant asked the applicant to send the vehicle to him, the applicant had refused and demanded Rs.50,000/- as rent, therefore, FIR was lodged.
7. The police did not take any action on this dispute and a notice under Section 155 of CrPC was served on the complainant and thereafter the only complaint was filed.
8. After considering the nature of the case and allegation against the applicant, I feel inclined to allow the application to this applicant.
9. 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

Nisha