

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 685 of 2019**

Pravin Kumar Sahu S/o Janak Ram Sahu Aged About 47 Years R/o G/03 Irrigation Colony, Village Rudri, P.O. Rudri, Tahsil And District Dhamtari Chhattisgarh., District : Dhamtari, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station City Kotwali, Dhamtari, District Dhamtari Chhattisgarh., District : Dhamtari, Chhattisgarh.

---- Respondent

For the Applicant : Ms. K. Tripti Rao, Advocate.
For the Respondent/State : Shri I. Lakra, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****14.05.2019**

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. 567 of 2018, registered at Police Station – City Kotwali, Dhamtari, District Dhamtari, 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. The complainant has lodged a totally false case against the applicant. In fact, it had been a loan transaction between the applicant and the brother of complainant – Hukumchand Dewangan in

the year 2014. When the applicant borrowed Rs.6,00,000/- from him, Hukumchand Dewangan authorized his brother Khagesh Dewangan, who is the complainant, to realize the loan amount from this applicant. Thereafter, an agreement was entered into between the applicant and the complainant on 10.12.2016 in which the terms for repayment were agreed. The applicant has complied with the terms of repayment and made all the payments, but the complainant has on his part not complied with the other terms regarding the withdrawal of the cases against the applicant. Thereafter, the applicant was compelled to file a complaint on 1.9.2018 to the police on account of various threatening given by the complainant. As a counter-blast, the complainant has then lodged FIR on 22.10.2018, which is totally false making allegation that the applicant had obtained the amount on pretext of getting appointment to the children of the complainant and his brother. This statement is falsified by the statement in complaint under Section 138 of the Negotiable Instruments Act made by the complainant, in which it is clearly stated that the applicant had borrowed money for his household necessities. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application on the ground that there is clear allegation made that the applicant had given inducement of Rs.6,00,000/- for providing employment to the siblings of the complainant and brother of the complainant. Hence, 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. In the FIR lodged, the applicant had obtained the amount for providing jobs to the siblings of the complainant and brother of the complainant but he has neither provided the job nor made the repayment. Hence, this case.

7. On perusal of the contents of the case-diary, the documents filed alongwith this application particularly, *ikrarnama* dated 10.12.2016 and the statement in the complaint under Section 138 of the Negotiable Instruments Act, it appears that the submissions made by counsel for the applicant has some substance and there is a defensible case. Hence, for these reasons, I am of the considered view that the present is a fit case where the applicant should be benefited with grant of 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. He 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 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

Nimmi