

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 698 of 2019

- Ambikeshwar Singh S/o Late Awadh Bihari Singh, Aged About 58 Years, Caste- Kushwaha, R/o Sonamony, Chirmiri, Police Station- Chirmiri, Tehsil- Khadgawan, District- Koriya, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Police Station- Khadgawan, District- Koriya, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Non-applicant

For Applicant – Shri Pawan Shrivastava, Advocate.

For Non-applicant/State – Shri I. Lakra, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

17-06-2019

1. Apprehending arrest in connection with Crime No.60/2019, registered at Police Station – Khadgawan, District- Koriya, Chhattisgarh for offence punishable under Section 420 of the IPC, the applicant has preferred this application for grant of anticipatory bail.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against this applicant. It is not disputed that the applicant and father of the complainant had entered into an agreement in the year 2005 by which the applicant had hired the tractor belonging to the father of the complainant on rent and on other terms and conditions for maintenance and for payment of bank installments. Till death of the father of the complainant in the year 2013 there had been no dispute, but, subsequent to that the complainant started dispute making exorbitant claim of rent and asking for return of the tractor, whereas, the tractor is in break down condition standing in a garage without any use. The applicant has filed a civil suit for termination of the contract which is pending before the Court below. On the other hand, the claim of the complainant is also of civil nature; therefore, no

offence has been committed in this case. Hence, it is prayed that the application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application and submits that there is evidence present in the case diary against the applicant with respect to commission of offence of cheating by him. Further, the applicant is a criminal element as he has been prosecuted for about 11 cases earlier. Therefore, he is not entitled for grant of anticipatory bail.

4. In reply, it is submitted by learned counsel for the applicant that the applicant is engaged in politics that is why he has been implicated in a number of false cases regarding which submission has been made by the State counsel. The present case is purely a case of civil nature. Therefore, the application may be allowed.

5. Heard learned counsel for the parties and perused the case diary.

6. The applicant had obtained a tractor of father of the complainant on hire on terms and conditions as agreed. Thereafter, he has not complied with the terms and conditions and neither paid rent nor has returned the tractor to the complainant.

7. As it appears that it is a case of breach of contract, this breach is of criminal or civil nature shall be subject to further investigation, hence, I feel inclined to allow this application.

8. Accordingly, the anticipatory bail application is allowed. 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.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge