

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 946 of 2019**

- Pradeep Chandrakar S/o Late Gangaprasad Chandrakar Aged About 53 Years R/o Sundar Nagar, Raipur, Tehsil and District Raipur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Dharsiva, Raipur, Chhattisgarh.

---- Respondent

For Applicant : Shri Ankur Agrawal, Advocate.

For Respondent/State : Shri Anand Verma, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****21/10/2019**

1. The Applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending his arrest in connection with Crime No. 270/2019 registered at Police Station Dharsiva, Raipur, District – Raipur, (C.G.) for the offence punishable under Section 420 of I.P.C.
2. As per the prosecution story, on 25.05.2019 Complainant made a complaint against the present Applicant alleging that Applicant had taken sum of Rs. 15,00,000/- from him and one of his friends seven years back for providing government jobs to their son but Applicant failed to provide jobs to their son. When Complainant asked to return the alleged amount, then Applicant gave them three cheques bearing amount Rs. 5,00,000/-, 3,00,000/- & 2,00,000/- but told the Complainant not to draw the amount as the account is not having sufficient balance . In this way the Applicant has denied to return the

alleged amount. On the basis of the said, offence has been registered.

3. Learned Counsel appearing for the Applicant submits that the Applicant is innocent and has been falsely implicated in the present case. He further submits that the alleged incident took place prior to seven years and report has been lodged after a gap of seven years of the incident. It is further submitted that Applicant is a farmer and around seven years back, the Complainant was A.S.I. rank in the police and used to give loan in interest and Applicant had taken some amount as a loan from the Complainant and as a security the Applicant had given three cheques to the Complainant and when Applicant failed to repay the loan amount then, Complainant made a false complaint against the Applicant. It is further submitted that Complainant being the A.S.I. rank in the police, had waited for seven years and thereafter filed false and fabricated complaint. Therefore, *prima facie*, no offence under Section 420 of the I.P.C. can be made out against the Applicant. Looking to the above, Applicant may be granted the benefit of anticipatory bail.
4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard learned Counsel appearing for the parties and perused the material available with due care.
6. Taking into consideration the submissions put-forth on behalf of the parties and further considering the facts and circumstances of the case, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present Applicant.
7. Accordingly, the bail application is allowed.
8. It is directed that in the event of arrest of the Applicant in connection with the aforesaid crime, he shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. He shall also

abide by all the following terms and conditions :

- (i) He 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 fact to the Court,
- (ii) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) He shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
Judge