

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.A. No. 956 of 2019

1. Atul Srivastava S/o Shri Ravishankar Akhori Aged About 28 Years R/o Sadak No. 2, Dixit Colony, Nehru Nagar (East), Police Station Supela, Bhilai, Tehsil And District Durg Chhattisgarh
2. Mulam Paka Gopal (M.P. Gopal) S/o Shri Apparao Aged About 27 Years R/o House No. 196, Ward No. 31, Near Bismilla Kirana Store, Ekta Nagar, Sector - 11, Police Station Khursipar, Bhilai, Tehsil And District Durg Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through District Magistrate, District Durg Chhattisgarh

---- Non-applicant

For Applicants	– Mr. Sunil Otwani, Advocate.
For Non-applicant/State	– Mr. Ghanshyam Patel, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

26-07-2019

1. Apprehending arrest in connection with Crime No.181/2019, registered at Police Station – Mohan Nagar, District- Durg, Chhattisgarh for offence punishable under Sections 420, 467, 468, 471 r/w 34 of I.P.C., the applicants have preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicants that totally false F.I.R. has been lodged by the complainant Abishek Banjhore, in fact, the complainant was simply a guarantor in the financing of the vehicles from H.D.F.C. Bank. Thereafter, a copy of an agreement vide annexure-A/2, of finance vehicles were handed over to the complainant on condition that the outstanding loan shall be repaid by the complainant. The complainant did not make any payment and has thereafter lodged the F.I.R. making false allegations. Therefore, on this basis, it is prayed that

the applicants be granted anticipatory bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that there is clear element of fraud and forgery present in the case registered against the applicants, therefore, no case is made for grant of anticipatory bail to these applicants.
4. Heard learned counsel for the parties and perused the case diary.
5. A complaint has been filed by complainant Abishek Banjhore alleging that in the process of financing vehicles in the name of applicants, complainant was without his consent shown as guarantor for the said transaction and his signatures were forged for the purpose of obtaining finance, because of which, the complainant has been saddled with liability as guarantor without his consent. Hence, this case.
6. After perusing the contents of the case diary and the documents filed along with the application and the agreement between applicant No. 2 and the complainant which appears to have failed, hence, under these circumstances, I feel inclined to allow this application.
7. Accordingly, the anticipatory bail application is allowed. It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :
 - (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
 - (ii) that the applicants 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 applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Monika