

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1176 of 2019**

- Vijay Kumar Patel S/o Late Vashudev Patel Aged About 52 Years R/o Village Basdei, Post and Chowki Basdei, Police Station Surajpur District Surajpur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Surajpur District Surajpur, Chhattisgarh.

---- Respondent

For Applicant	: Shri S.S. Rajput and Shri Sangeet Kumar Kushwaha, Advocates.
For Respondent/State	: Shri Anand Verma, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**06/09/2019**

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. 222/2019 registered at Police Station Surajpur, District – Surajpur, (C.G.), for the offence punishable under Sections 420, 34 of IPC.
2. As per the prosecution story, on 30.05.2018, a written complaint has been lodged by Complainant Shiva Ram Singh and his son Dilip Singh against present Applicant and one M.L. Dhritlahare, Additional Collector and other co-accused persons. Allegation against the present Applicant and co-accused persons is that, in the name of providing job to the son of the Complainant, they have obtained Rs. 21,50,000/- in different installments from the Complainant during the year 2016-2018 but they have neither provided job nor returned money to the Complainant. On the basis of the said written complaint, on 03.07.2019 FIR has been registered.
3. Learned Counsel appearing for the Applicant submits that a false and

fabricated complaint has been lodged by the Complainant against the present Applicant. He further submits that both Complainant and Applicant are well known to each other and due to friendly relation between them, on 13.09.2016, Complainant has borrowed Rs. 11,00,000/- from Applicant. The money transaction was reduced in the Stamp of Rs. 50/- in the presence of witnesses as Annexure-2. Applicant has purchased Innova Car by obtaining loan from Gandhi Motors, Bilaspur and for payment of loan amount, when he asked Complainant for return of borrowed amount, on which the Complainant has issued two cheques amounting Rs. 2,50,000/- each of HDFC Bank in the name of Gandhi Motors, Bilaspur. Subsequently, when Applicant was detained in jail due to registration of an offence against him and during his jail custody, Complainant has given a cheque of Rs. 2,40,000/- in the name of Applicant's wife namely Neeta Patel and has also given Rs. 10,000/- to her, thus, total borrowed amount of Rs. 3,50,000/- was remained to be paid by the Complainant. On 15.05.2018, Complainant had given a cheque of Rs. 3,50,000/- to the Applicant in the name of his son for return of remaining borrowed amount annexed as Annexure -3. Subsequently, the said cheque was dishonoured and a legal notice has been sent to the Counsel to the Complainant. Thereafter, Complainant made a false and fabricated written Complaint against Applicant. It is further submitted that Applicant has never fraudulently obtained any amount from Complainant. Contrary to this, Complainant himself had borrowed money from the Applicant in the year 2016 and in the year 2016 itself, how he arranged huge amount of Rs. 21,50,000/-, which itself shows that he has made false and fabricated complaint. The essential ingredients of alleged offences are not attracted against the Applicant. Also, Applicant is a reputed person and he is ready to abide by all the directions and conditions which may be imposed by this Court.

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 fact and circumstances of the case, allegations levelled against the Applicant and the materials available on record, 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