

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1426 of 2019**

- Dipendra Meshram S/o Late Girvar Meshram, Aged About 29 Years R/o Village Chichka, Police Station Gatapar, Tahsil Khairagarh, District Rajnandgaon, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through The Station House Officer, Police Station Gatapar, District Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant : Shri C.K. Kesharwani, Advocate.

For Respondent/State : Shri Sushil Sahu, P.L.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****21/11/2019**

1. The applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 31/2019 registered at Police Station Gatapar, District – Rajnandgaon, (C.G.). for the offence punishable under Section 420 of Indian Penal Code.
2. As per the prosecution story, complainant and applicant are close relatives. A written complaint has been lodged by the complainant Saraswati Meshram alleging therein that her husband financed one car through Chola Mandalam Finance Company and on account of which the installment of said car is deducted from the salary of her husband. After some time, Finance Company informed the complainant that the remaining amount of the car i.e. Rs. 3,48,511/- has been paid though R.T.G.S. It is alleged that present applicant has

done the said transaction without being authorized by the complainant. It is further alleged that applicant had taken Rs. 21,000/- cash two times from the complainant for paying the installments, but the said installments were not paid by the applicant, thereby applicant had committed cheating with the complainant. 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. *Prima facie*, no offence under Section 420 of I.P.C. can be made out against present applicant. He further submits that complainant and applicant are the close relatives and due to some family dispute, report has been lodged by the complainant. There is nothing in the record on the basis of which it can be said that applicant has done any allurement in any manner or has taken any money. Therefore, it is prayed that present applicant may be granted benefit of anticipatory bail.
4. Learned Counsel appearing for the State oppose 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, considering the facts and circumstances of the case, evidence collected by the prosecution, 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