

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1432 of 2019

- Mukesh Kumar Ukey S/o Shri Basant Rao Ukey Aged About 41 Years R/o Zeenat Colony Bilaspur, Police Station Sirgitti District Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Police Station of Police Kawardha, District Kawardha, Chhattisgarh.

---- Respondent

For Applicant : Shri Pragalbha Sharma, Advocate.

For Respondent/State : Shri Ajay Kumrani, P.L.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

26/11/2019

1. The applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 366/2019 registered at Police Station Kawardha, District – Kawardha, (C.G.). for the offence punishable under Sections 420 r/w 34 of Indian Penal Code.
2. As per the prosecution story, on 06.08.2019 a report has been lodged by the complainant Gajendra Singh Rajput alleging therein that in the month of August, 2017, applicant was working in Magma Fincop Ltd. (Non-Banking Finance Co.) as a manager and the complainant was the Channel Partner (D.S.A.) of the said company. During that time, applicant asked the complainant to finance one vehicle which was already financed from other finance company with the assurance that the owner will settle the accounts with the earlier finance company and provide him with N.O.C., on that assurance the D.S.A.

(Complainant) transferred the said amount of Rs. 4,10,000/- in the account of co-accused Narayan Chandrawanshi but now the applicant decline to pay or give N.O.C. thereby he has 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 due to some dispute with the complainant. He further submits that *prima facie*, no offence can be made out against the applicant. It is further submitted that matter has already been settled and both applicant and complainant Gajendra Singh have executed a compromise deed dated 22.08.2019 and there is no any grievance between them. Looking to the above, it is prayed that applicant may be granted the 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 and further considering the fact that parties have settled their matter and a compromise deed has been executed in this regard, therefore, 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/her 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