

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No. 1662 of 2019**

1. Komal Singh Chandse, S/o Sahatik Ram Chandse Aged About 54 Years R/o Village Birkona, Police Station Pandariya District – Kabirdham, Chhattisgarh.
2. Satyendra Nath Pratap Singh Chandse S/o Komal Singh Chandse Aged About 32 Years R/o Village Birkona, Police Station Pandariya District - Kabirdham Chhattisgarh.

**---- Applicants****Versus**

- State Of Chhattisgarh Through - Station House Officer, Police Station Pandariya, District - Kabirdham Chhattisgarh.

**---- Respondent**

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| For Applicants       | : Shri Amit Kumar, Advocate. |
| For Respondent/State | : Shri Anand Verma, Dy. G.A. |

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**Hon'ble Shri Justice Arvind Singh Chandel**  
**Order On Board****02/12/2019**

1. The Applicants have preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 44/2017 registered at Police Station Pandariya, District – Kabirdham, (C.G.). for the offence punishable under Sections 420, 406/34 of I.P.C.
2. As per the prosecution story, in the year 2013 complainants namely Hukum Singh, Khorbahara Banjare and Virendra Kumar have sold gram amounting Rs. 34,200/-, 2,52,000/- and 1,91,880/- respectively to the applicants. It is alleged that applicants have not made payment for the said purchase and thereby committed cheating with the complainants. Thereafter, complainants lodged a report and on the

basis of the said, offence has been registered.

3. Learned Counsel appearing for the applicants submits that the applicants are innocent and have been falsely implicated in the present case by the complainant. He further submits that *prima facie*, no offence is made out against the present applicants. The present case is of civil nature. It is further submitted that incident is of year 2013 and report has been lodged by the complainants after a gap of 4-5 years. Looking to the above, it is prayed that applicants may be granted 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, 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 applicants.
7. Accordingly, the bail application is allowed.
8. It is directed that in the event of arrest of the applicants in connection with the aforesaid crime, they shall be released on anticipatory bail on each of them 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. They

shall also abide by all the following terms and conditions :

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

Sd/-  
**(Arvind Singh Chandel)**  
**Judge**