

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1568 of 2018**

Manoranjana Kumar Pandey, S/o. Shri Shatrughan Pandey, Aged About 43 Years, R/o.- MDD 82, Kabir Nagar, Tahsil and District- Raipur, Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through- Police Station Azad Chawk, District- Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Sunil Otmani, Advocate
For Respondent/State	: Mr. Arun Shukla, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****16/01/2019**

1. Apprehending arrest in connection with Crime No.158/2018, registered at Police Station – Azad Chawk, Raipur, District – Raipur (C.G.) for offence punishable under Section 420, 467, 468, 471 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. No case is made out against the applicant on the basis of the material present in the case diary. The applicant is the partner of the Shri Sai Industries and for the business of the industry, some purchase were made from the complainant company. The applicant had offered two of the properties to be kept as security by the complainant with

valuation papers but the same were not accepted. As the applicant industry could not make the payment of material purchased in time, therefore false FIR has been lodged against him. Hence, for this reason, it is prayed that the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that forged documents have been seized in the investigation and have been examined. The valuer shown in the documents has clearly denied making valuation of that property, which shows that these documents were forged, which were being made use by the applicant. Hence, the applicant may not be released on anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. AS alleged, this applicant made a proposal to the complainant to keep two properties of his company as security and provided valuation paper for the same. The complainant came to know that property proposed of security were over valued and not sufficient to discharge the liability against the applicant. Therefore, the FIR has been lodged in this case.
6. Considered the submissions and the contents of the case diary. After considering on the entire material present in the case diary, there appears to be no mortgage deed was entered between the applicant and the complainant and valuation of the property is still disputed, hence under these circumstances, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.

7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :
 - (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that the applicant 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 applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge