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HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1617 of 2018**

Arun Singh Thakur, S/o. Buddhu Singh Thakur, Aged About 56 Years, R/o. Near Kali Mandir, Tifra, P. S. Sirgitti, Tahsil and District Bilaspur Chhattisgarh

----Applicant**Versus**

1. State of Chhattisgarh, through District Magistrate, Bilaspur, District Bilaspur Chhattisgarh
2. Shriram Transport Finance Company Limited, Through : Sanjay Tiwari, S/o. Shri R. P. Tiwari, Aged About 32 Years, The Then Deputy Manager, R/o MIG-37 Chandela Nagar, P. S. Civil Lines, Bilaspur Chhattisgarh

---- Respondents**AND****M.CR.C.(A). No. 1622 of 2018**

Arun Singh Thakur, S/o. Buddhu Singh Thakur, Aged About 56 Years, R/o. Near Kali Mandir, Tifra, P. S. Sirgitti, Tahsil and District Bilaspur Chhattisgarh

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---- Respondents

For Applicants	: Mr. Sourabh Sharma, Advocate
For Respondent/State	: Mr. Madhunisha Singh, Panel Lawyer
For Respondent No.2	: Mr. Ratnesh Kumar Agrawal, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

11/01/2019

1. Applicant is common in both the cases, whereas, the complaint case is different, hence, both the applications are being disposed off by a single order.
2. Apprehending arrest in connection with Complaint Case No.10340/2014 and Complaint Case No.10298/2014, both pending before the learned Judicial Magistrate First Class, Bilaspur, District – Bilaspur (C.G.) for offence punishable under Section 407, 294 and 506-B of the Indian Penal Code, the applicant has preferred these applications for grant of anticipatory bail.
3. It is submitted by the learned counsel for the applicant in both the cases that the applicant is yard owner with whom the complainant i.e. the respondent No.2 had entered into an agreement for keeping the vehicle that were seized by the respondent No.2 for non-payment of installments of the loan. The complainant has made totally false allegations against the applicant regarding missing of two vehicles deposited in his yard, which were in fact never deposited. Earlier the complainant had lodged FIR with the police but the same was investigated and the closure report was filed. Later on, the complainant again moved an application under Section 156 (3) of Cr.P.C., which was dismissed by the concerned

Court. Respondent No.2 then filed criminal miscellaneous petition, which was disposed off by the High Court on 09.10.2013 giving liberty to the complainant to file private complaint, which has been filed and registered by the concerned Court, hence, this apprehension. As the applicant is innocent and in case the complainant proves the missing of the vehicles that may be a civil liability. Hence, for this reason, it is prayed that the applicant may be enlarged on anticipatory bail.

4. Learned State counsel formally opposes the application for grant of bail and the submissions made in this respect.
5. Counsel for the respondent No.2 submits that on 09.05.2012 when the yard belonging to the applicant was inspected and it was found that two vehicles were missing, which were clearly entrusted to the applicant in accordance with the agreement. On enquiring about the missing vehicles, the applicant misbehaved and then also abused and threatened the persons making inspection. It is clear case of criminal breach of trust, therefore, the bail applications be rejected.
6. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
7. The case against this applicant is briefly discussed and made out on the basis of the submission made by both the parties.
8. It appears that there is clearly an agreement between the applicant and the respondent No.2 according to which, the applicant was given entrustment of the vehicle seized by the respondent No.2. The missing of the said vehicle as alleged by the respondent No.2 was a negligence or mischief needs to be enquired. The police has clearly given a closure report, hence, according to the

submission made by the counsel for the applicant it may be case of civil nature appears to be a material for his defence, hence for this reason, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant in both the cases.

9. Accordingly, the anticipatory bail applications filed under Section 438 of Cr.P.C. are allowed.
10. 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 each 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