

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 98 of 2020**

1. Varun Pratap Singh, S/o Shri Ajay Singh Aged About 31 Years R/o Shanti Niketan Apartment, Malviya Nagar, P.S. - Mohan Nagar, Durg, Civil And Revenue District - Durg Chhattisgarh.
2. Santosh Pandey S/o Sumant Pandey Aged About 35 Years R/o Pandey Complex Adarsh Nagar, P.S. - Durg, Durg, Civil And Revenue District - Durg Chhattisgarh.
3. Mohan Hirwani S/o S. P. Hirwani Aged About 49 Years R/o Street No. 3, Gaya Nagar, P.S. - Durg, Durg, Civil And Revenue District - Durg Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station - Daundi Louhara, District – Balod, Chhattisgarh

---- Respondent

For Applicant : Shri Avinash Singh, Advocate.

For Respondent/State : Shri Anand Verma, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****17/06/2020**

1. The matter is heard through video conferencing.
2. First anticipatory bail application of the applicants was dismissed for want of prosecution vide order dated 9.1.2020 passed in MCRCA No. 1581/2019.
3. The Applicants have preferred this second bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 152/2019 registered at Police Station Daundi-Louhara, District – Balod, (C.G.) for the offence punishable under Sections 323,

342, 384/34 of the I.P.C.

4. According to the case of the prosecution, applicant No. 1 Varun Pratap Singh owned a dealership of Tractors namely Durg Tractors. Applicant No.2 & 3 are the employees of applicant No. 1. Complainant Pradeep Sonkar had purchased a tractor from applicant No. 1 in the month of January, 2019. Out of Rs. 5,65,000/-, Rs. 5,00,000/- was financed by Escort Company and he further paid down payment in installments by depositing Rs. 10,000/- twice. On 27.08.2019, complainant made a report alleging therein that applicants approached him and forced him to pay the installments immediately. When complainant could not pay the installments, allegedly, applicants beaten him with hand and fists and also demanded remaining installments from him. On the basis of the report made by complainant, offence has been registered.
5. 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 case under Section 384 of I.P.C. is made out against any of the applicants and also other offences registered by police are bailable. Therefore, it is prayed that applicants may be granted benefit of anticipatory bail.
6. Learned Counsel appearing for the State opposes the bail application.
7. I have heard learned Counsel appearing for the parties.
8. Taking into consideration the submissions put-forth on behalf of the parties and considering the facts and circumstances of the case and on perusal of the F.I.R. lodged by the complainant, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present Applicants.
9. Accordingly, the bail application is allowed.
10. 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 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