

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 472 of 2020**

- Abhijeet Vaishnav S/o Ramshanker Vaishnav Aged About 37 Years R/o Juniline Khaparaganj, Bilaspur, Marwadi Line, Bilaspur, Police Station City Kotwali, Bilaspur, District- Bilaspur, Chhattisgarh.

----- Applicant

Versus

- State Of Chhattisgarh Through The District Magistrate/collector, District- Janjgir-Champa, Chhattisgarh.

----- Non-Applicant

For Applicant : Shri N.K. Chatterjee, Advocate.
For Non-Applicant : Shri Gagan Tiwari, Deputy GA.

Proceeding Through Video Conferencing**Hon'ble Shri Justice Prashant Kumar Mishra****Order On Board****14/08/2020 :**

1. The applicant has preferred this application for grant of anticipatory bail as he apprehends his arrest in connection with Crime No.152/2019, registered at Police Station Hasaud, District Janjgir-Champa for offences punishable under Sections 420, 406, 120-B/34, 389 and 506 of the IPC.
2. As per the report lodged by Sushila Sinha on 27.9.2019, she met one Brijeshwar Singh Mohale, who introduced her to Chaman and Tankeshwar Mathur in connection with obtaining lease of the petrol pump belonging to the applicant. These persons introduced the complainant to the present applicant and his mother Sucharita Vaishnav. The applicant allegedly moved a

proposal before the complainant for leasing out petrol pump for 20 years for a sum of Rs.25 lakhs and monthly rental of Rs.10,000/-. The complainant allegedly paid total amount of Rs.15 lakhs to the applicant in June, 2015; July, 2015 and August 2015. She further paid Rs.5 lakhs to the applicant's mother in July, 2015. Thereafter the complainant again transferred Rs.2 lakhs and Rs.2.5 lakhs on 4.9.2015 and 14.9.2015 respectively, but despite having received the amount, the applicant did not execute the lease nor returned the amount.

3. Learned State Counsel would vehemently oppose the prayer for grant of anticipatory bail on submission that the applicant is the main accused who has received the amount and defrauded the complainant. He would submit that his case is different from those accused who have been released on anticipatory bail.
4. Admittedly, complainant Sushila Sinha is also a petrol pump dealer at Hasaud whereas this applicant is the petrol pump dealer at Sargaon. Both the parties are thus quite well off and have thriving business, therefore, reasons shown in the FIR for delay of 4 years in lodging the report do not appear to be convincing. Two of the accused persons have been released on anticipatory bail in MCRCA No.1689/2019 and 1715/2019 whereas Chaman and Sucharita Vaishnav have been granted regular bail in MCRC No.6717/2019 and 8095/2019 respectively.
5. Considering the delay of 4 years in lodging the FIR and the nature of transaction between two businessmen, this Court is inclined to extend the benefit of anticipatory bail to the applicant.
6. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant, he shall be released on anticipatory bail on his executing a personal bond for a sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the arresting officer with the following conditions:-

- (i) he shall not influence the witnesses during trial.
- (ii) he shall make himself available for interrogation by a police officer as and when required;
- (iii) 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 from disclosing such facts to the Court or to any police officer.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve