

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 443 of 2020**

- Parasmal Jain S/o Sonraj Jain Aged About 53 Years R/o Jain Dada Badi Road, In Front Of Kirana Shop, Malviya Nagar Durg, Police Station Mohan Nagar, Durg, District Durg, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through The District Magistrate Durg, District Durg, Chhattisgarh

---- Respondent

For Applicant	:	Shri T.K.Jha, Advocate
For State	:	Shri Sudeep Verma, Dy. Govt. Adv.
For Objector	:	Shri Amiyakant Tiwari, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****26/06/2020**

Heard.

The applicant is apprehending his arrest in connection with Crime No.142/2020 registered at Police Station – City Kotwali, District - Durg (CG) for alleged commission of offences under Section 420 IPC.

2. Prosecution allegation is that the applicant, suppressing the fact that the vehicle, in respect of which he has entered into an agreement of sale with the complainant, have not been transferred in his name for certain complications. The complainant had paid Rs.1,10,00,000/- to the applicant as sale consideration towards sale of eight trucks / trailers. Later on, the complainant came to know that the vehicle is not transferred in the name of the accused / applicant.

3. Learned counsel for the applicant submits that inability on the part of the applicant to provide necessary papers, is not an act of criminal intent of cheating but bonafide inability. He would submit that the vehicles were purchased by the applicant from other persons for valuable consideration but as the seller has not cleared his loan, there is difficulty in transferring the name of the applicant as registered owner. It is further submitted that the applicant had given number of post dated cheques also. Learned counsel for the applicant further submits that the applicant is willing to cooperate with the investigation, therefore, he may be protected as he is a patient of Cancer and receiving treatment and therefore, if he is arrested, it may affect his continuous treatment.

4. On the other hand, learned State counsel as well as counsel for objector oppose bail application and submit that the applicant has committed an act of cheating. He was the registered owner of the vehicle. He sold the vehicle for Rs.1,10,00,000/- to the complainant and received Rs.1,10,00,000/- from him. Later on, the complainant came to know that the applicant was not the registered owner.

5. Taking into consideration the overall circumstances of the case, particularly taking into consideration that the dispute is mainly because the registered papers could not be passed on by the applicant to the complainant and further, that the applicant is not retaining the vehicle with him and the applicant appears to be suffering from Cancer and receiving treatment, therefore, for the reason that he is a cancer patient, I am inclined to grant anticipatory bail to the applicant.

6. Accordingly, this application is allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the arresting officer and he shall abide by all the following terms and conditions -

- (i) that the applicant shall make himself available for interrogation by a Police Officer as and when required;
- (ii) that 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.
- (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/-
(Manindra Mohan Shrivastava)
Judge