

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 992 of 2020

Jeevan Lal Kamde S/o Shri Dukhu Ram Aged About 50 Years R/o Village,
Post, Police Station And Tehsil Chuikhadan, District Rajnandgaon,
Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Applicant

Versus

Awadh Ram Sahu S/o Shri Bali Ram Sahu Aged About 48 Years R/o Village
Pirid, Police Station And Tehsil Gunderdehi, District Balod Chhattisgarh.,
District : Balod, Chhattisgarh

---- Respondent

For Applicant	:	Shri Avinash Chand Sahu, Advocate
For Respondent	:	Shri B.P. Singh, Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

03/09/2020

Heard.

1. The applicant is apprehending his arrest in view of registration of offence under Section 174-A IPC on the allegation that despite various process issued to compel his appearance, applicant has not appeared before the concerned Magistrate in the pending complaint case filed by the respondent alleging commission of offence under Section 138 of the Negotiable Instruments Act.
2. Learned counsel for the applicant submits that the applicant has not committed any offence. The complaint against the applicant is not maintainable in view of provision contained in Section 195 (1) (a) Cr.P.C. as it is not a complaint filed by any public servant and complainant/respondent is a private person. Therefore, it is prayed that the

applicant be benefited with grant of anticipatory bail. He further submits that in another private complaint against the present applicant containing similar allegation, the applicant has been granted anticipatory bail on identical ground as raised in this case, in MCRCA No.37 of 2019 vide order dated 26.9.2019, copy of which has been placed on record.

3. On the other hand, learned counsel for the respondent opposed the application by submitting that in the present case, the applicant cannot challenge the proceedings and issuance of warrant against him on the ground that it is covered under Section 195 (1) (a) Cr.P.C. and it was within the jurisdiction of the concerned Magistrate to issue coercive process as the applicant is not appearing despite various process issued to compel his appearance.
4. It appears that the applicant is apprehending his arrest upon registration of offence under Section 174-A IPC. On similar ground taken in other two cases, this Court has granted benefit of anticipatory bail to the present applicant. Therefore, maintaining parity, I am inclined to protect the present applicant against arrest by granting anticipatory bail.
5. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicant in connection with aforesaid offence, he shall be released on bail on 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, with following further conditions that:
 - (i) the applicant shall appear before the Magistrate where complaint is pending on such dates as may be directed for his appearance.
 - (ii) 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 from disclosing such facts to the Court;
 - (iii) the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) 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 in the complaint case filed by the respondent.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Praveen