

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 2026 of 2019

Bajrang Agrawal S/o Late Udayram Agrawal Aged About 69 Years R/o Station Road, Mahasamund, Police Station Mahasamund, District Mahasamund Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Police Station Khallari, Baghbahara, Mahasamund, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Apurv Goyal, Advocate.
For Respondent/State	: Ms. Smita Ghai, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

06/02/2020

1. The applicant has filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending his arrest in connection with crime no. 197/2019, registered at Police Station: Khallari Police Station: Mahasamund (C.G.) for the offence punishable under Section 420 of IPC.

2. In this case the Applicant is the partner of the firm namely Bajrang Industries. As per the prosecution story, total quantity of 1400 quintals of paddy amounting to a sum of Rs.22,24,826/- was purchased from the firm of the complainant namely Kanti Lal Sahu by the firm of the Applicant. The complaint of the complainant is that out of a sum of Rs.22,24,826/- the Applicant has paid only Rs.16,98,000/- and only a sum of Rs.5,26,826/- was remaining to be paid by the Applicant's firm, but from the last two years the Applicant has not paid the remaining amount and also misbehaved, abused the complainant. On the basis of said background, offence has been registered.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is falsely implicated in the present case. He submits that no case under Section 420 of IPC can be made out because the case is of civil dispute and the complainant should file civil suit against the Applicant for recovery of the said amount, therefore, he prays for grant of anticipatory bail to the Applicant.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for the parties.
6. Considering the facts and circumstances of the case, arguments advanced by counsel for the parties and particularly considering that the case is of civil dispute and a civil suit should be filed at concerned forum/court, without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicant.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:-
 - I. That the accused/applicant shall made himself available for interrogation before the concerned Investigating Officer as and when required;
 - II. The accused/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. The accused/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.

Sd/-

(Arvind Singh Chandel)
Judge