

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 2059 of 2019**

Vinod Chopda S/o Late Polchand Ji Chopda, aged about 43 years R/o Shri Jai Shakti Traders, Jalbandha, Rajnandgaon, District Rajnandgaon (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station Bori, District Durg (C.G.).

---- Respondent

For Applicant	:	Mr. T.K. Jha, Advocate
For Respondent	:	Mr. Alok Bakshi, Additional Advocate General

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

27/05/2020

1. The matter is heard through video conferencing.
2. The applicant has filed this application for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No. 61/2019 registered at police station – Bori, District Durg (C.G.) for the offence punishable under Sections 420 and 406 read with Section 34 of the Indian Penal Code.
3. In this case there are total three accused persons. One of the accused Doman Lal Sahu has already been released on regular bail. According to the case of the prosecution Complainant Loknath had filed a written complaint before the Superintendent of Police, Durg against co-accused Devendra Dubey and Doman Lal Sahu alldging therein that they defraud an amount of Rs. 1 Crore to purchase paddy. As per the

contentions of the written complaint and FIR, both Devendra and Doman had purchased paddy at the rate of Rs. 1900/- per quintal from the villagers and paid amount through cheques to some villagers. They also promised to pay the amount to other farmers. Later on, they switched off their phones and fled away. They also canceled the cheques given by the accused Devendra. The accused persons refused to pay the value of the paddy purchased by them. Allegation against the applicant is that he was also involved in the crime in question. He promised to give Rs. 5/- as commission on each quintal of paddy. The paddy was carrying in his vehicle and the same was kept in his Godown. It has been further alleged that the cheques were issued on the instruction of the applicant.

4. Learned counsel appearing on behalf of the applicant submits that the applicant has been falsely implicated in the present case. He further submits that prima-facie no offence is made out against the applicant because in the FIR no allegation has been made against the Applicant. He further submits that about 35 villagers in their statement recorded under Section 161 of the Cr.P.C have not stated anything against the applicant. Later on, due to some dispute, some villagers made allegation against the applicant. He further submits that there is nothing on record on the basis of which, prima-facie it can be said that the applicant had purchased the said paddy from any of the villagers or made promise to any of the villagers to purchase paddy or made any kind of money transaction to any of the villagers.
5. Learned counsel appearing on behalf of the State opposes the said application and submits that there is sufficient material available on

record on the basis of which, prima-faice case is made out against the applicant, therefore, the bail application may be rejected.

6. I have heard counsel for the parties.
7. Considering the facts and circumstances of the case and the argument advanced by counsel for the parties and further considering that in the FIR no allegation has been made against the applicant and there is no direct evidence available on record against the applicant, I am inclined to release the applicant on anticipatory bail.
8. Accordingly, the anticipatory bail application is allowed.
9. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a bond in the sum of Rs.10,000/- 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 make 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.
10. Certified copy, as per rules.

Sd/-
(Arvind Singh Chandel)
Judge