

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 162 of 2021**

- Md. Masihuj Jama S/o Md. Yawar Hussain Aged About 37 Years R/o Kudla City, Ambikapur, District Sarguja, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station- Katghora, District- Korba, Chhattisgarh.

---- Respondent**MCRCA No. 163 of 2021**

- Navneet Garg S/o C.P. Garg Aged About 47 Years R/o Link Road, Kashish Apartment, District Bilaspur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Katghora, District Korba, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Sabhyasachi Bhaduri, Adv.
For Respondent/State	: Mr. B.L. Sahu, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****24.06.2021**

1. These applications under Section 438 of the Code of Criminal Procedure have been filed by the applicants who are apprehending their arrest in connection with Crime No. 08/2021 registered at Police Station- Katghora, District Korba (C.G.) for commission of the offence punishable under Section 420/34 of the IPC.
2. In this case applicants Md. Masihuj Jama and Navneet Garg are the Sales Manager and Director of the *Narmada Drinks Pvt. Ltd.* respectively. As per the prosecution case, the allegation against the present applicants is that they have obtained Rs. 1,00,000/- from one Mrs. Laxmi Jaisawal, proprietor of *M/s Jayant Agency* in the name of *Muhurat Billing Scheme* but they neither delivered the goods nor returned her money. Based on that, complainant

filed FIR against the applicants.

3. Learned counsel for the applicants submit that the applicants are innocent and have been falsely implicated in this case. The complainant has lodged the instant FIR as a retaliatory measure against the cancellation of the agency of the complainant's wife and allotment of new agency to a third party. Referring to Annexure P/5, counsel for the applicant would submit that the complainant has presented his no-objection application along with affidavit. He next contended that the said money has been returned to the complainant, therefore, the present applicants may be granted anticipatory bail.
4. On the other hand, counsel for the State opposes the applications for anticipatory bail.
5. After hearing counsel for the parties and considering the facts and circumstances of the case, this Court is of the considered opinion that it is a fit case to grant anticipatory bail to the applicants. Accordingly, the applications are allowed.
6. It is directed that in the event of arrest of the applicants in connection with aforesaid crime number, they shall be released on bail on their furnishing a personal bond in the sum of Rs. 50,000/- each, with one surety for the like sum to the satisfaction of the concerned arresting/ investigating officer or the Court concerned, as the case may be, with the following terms and conditions:
 - (i) that the applicants shall make themselves available for interrogation before the concerned investigating officer as and when required.
 - (ii) that the applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts or the case as to dissuade him/her from disclosing such facts to the Court or to any police officer;
 - (iii) that the applicants shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-

(Rajani Dubey)
Judge

V/-