

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 320 of 2021**

- Vinay Jain, S/o Shri Ramesh Jain, Aged about 37 Years, R/o. Azad Chowk, Rajnandgaon, District Rajnandgaon (Chhattisgarh).

---- Applicant**Versus**

- State of Chhattisgarh, Through The Station House Officer, Police Station Kotwali, Rajnandgaon (Chhattisgarh).

---- Respondent

For Applicant : Shri T.K. Jha, Advocate.

For Respondent/State : Shri Devendra Pratap Singh, Dy. A.G.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****24/05/2021**

1. Heard through video conferencing.
2. The applicant has preferred the first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 755/2019 registered at Police Station Kotwali, Rajnandgaon (C.G.) for the offence punishable under Sections 420, 34 of the Indian Penal Code.
3. According to the case of the prosecution, on 23.12.2019, complainant lodged the F.I.R. *inter alia* on the ground that he owned a shoe shop. It has been alleged by him that applicant Vinay Jain and his brother Pramod Jain have purchased the shoes from his shop regularly and have paid the timely payment, but between September, 2018 to December, 2018, they have not paid the purchasing amount of Rs.

3,71,120/- to him. On the basis of the said report, offence has been registered.

4. Learned Counsel appearing for the applicant submits that applicant is innocent and has been falsely implicated in the present case. He further submits that there is no legal evidence available on record which shows that applicant has committed the alleged offence. He further submits that complainant had supplied the shoes to 'Bombay Sell' shop situated at Rajnandgaon and applicant is not in connection with 'Bombay Sell' shop. There is no document available which shows that applicant had purchased the shoes from the shop in question. Therefore, *prima facie*, no offence is made out against applicant. It is further argued by counsel that, for the sake of argument, if the entire contents of F.I.R. is taken as it is, then also, no case is made out. It is purely a case of civil dispute, therefore, no criminal case is made out against applicant. Therefore, it is prayed that, applicant may be granted benefit of anticipatory bail.
5. Learned Counsel appearing for the State opposes the anticipatory bail application.
6. I have heard learned Counsel appearing for the parties and perused the material available.
7. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution and on perusal of material available on record, without further commenting on other merits of the case, I am

inclined to extend the benefit of anticipatory bail to the present applicant.

8. Accordingly, the anticipatory bail application is allowed.
9. It is directed that in the event of arrest of the applicant in connection with the aforesaid crime, he shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. He shall also abide by all the following terms and conditions :

- (i) 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 fact to the Court,
- (ii) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) He 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