

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 398 of 2021**

1. Sri. Mogileeshwara Naidu Rankipalli S/o Sri. R. Muniswamy Naidu, aged about 45 years, R/at No. 29 & 30 Ninth Main, Fourth Cross, Gaurav Nagar, J.P. Nagar, Seventh Phase, Bengaluru - 560078.
2. S. Chandra Prakash S/o late Munaswamy Naidu, aged about 57 years, R/at No. 767, Sai Niketan, 7th Main, 3rd cross, layout, JP Nagar 2nd Phase, Bengaluru - 560076.

---- Applicants**Versus**

- State of Chhattisgarh - Represented by : P.S. Amanaka, District Raipur(C.G.)

---- Respondent

For Applicants	:	Mr. Rahil Kochar, Advocate.
For Respondent.	:	Mr. Devesh Verma, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****01/04/2021**

1. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicants who are apprehending their arrest in connection with Crime Number 147/2020 registered at Police Station - Amanaka, District Raipur (C.G.) for the offence punishable under Sections 420/34 of Indian Penal Code.
2. The prosecution case, in brief, is that the applicants are the Directors of a Company styled as 'AGRS Projects LLP. The complaint has been lodged by the company namely RKSK Steel India Private Limited alleging that steel rods weighting 581.900 metric ton amounting to Rs.03,07,72,600/- had been purchased by the applicants during 02.11.2018 to

05.12.2018, out of which Rs. 2,12,62,680/- has not been paid. Based on this complaint, the offence has been registered against the applicants.

3. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. He further submits that even if the entire allegation is taken on its face value, no offence under Section 420/34 is made out. It is a pure dispute of civil nature wherein the complainant has already filed a civil suit for recovery in the National Company Law Tribunal, Amravati Bench at Hyderabad (for short 'the NCLT'). He also submits that the complainant has filed a case under Section 138 of Negotiable Instrument Act before 1st Class Magistrate, Satna Court, M.P. registered vide Case No.SCNIA/306/2019 of the same amount. Hence, for the reasons afore-stated, the applicants may be extended benefit of anticipatory bail.
4. Counsel for the State however opposes the application for anticipatory bail. Learned State counsel submits that the applicants had issued as many as five cheques which got dishonoured.
5. The complainant has filed a Civil Suit for recovery before the NCLT, which is evident from Annexure A/3. There is possibility that the complainant will get remedy. Documents on record also goes to show that there is dispute with regard to quality of material. The criminality in this incident is question for consideration, but there is clear scope of civil litigation as well.
6. After hearing counsel for the parties and considering the facts

and circumstances of the case, and further considering the fact that civil dispute between the parties is pending before the NCLT, this Court is of the considered opinion that it is a fit case to grant anticipatory bail to the applicants.

7. Accordingly, the application is allowed. 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.10,00,000/- each with one local 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/medical examination 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 of 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