

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 787 of 2021**

- Shubham Patnaik S/o Shri Jawahar Patnaik Aged About 24 Years R/o Sector-3, In Front Of CSEB Office, Shivanand Nagar, Khamtarai, Raipur, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Azad Chowk, District- Raipur, Chhattisgarh

---- Respondent

For Applicant : Shri Abhishek Vinod Deshmukh,
Advocate

For Respondent/State : Shri Roshan Dubey, Panel Lawyer

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board
(Proceeding through Video Conferencing)

28.07.2021

1. This is an application under Section 438 of CrPC for grant of anticipatory bail to the applicant as he apprehends his arrest in connection with Crime No.61 of 2021 registered at Police Station Azad Chowk, District Raipur Chhattisgarh for commission of offense punishable under Section 406 of IPC.
2. Case of the prosecution, in brief, is that, applicant took Maruti Brezza Car on rent from "Driven By You Mobility Private Limited" on hire on 02.02.2021 for a period of one month @ Rs.50,000/- per month. Applicant executed an agreement, he submitted his Aadhar Card as well as Driving License. When the Car was not returned by applicant on scheduled date, ie on 02.03.2021, complainant awaited for some period and thereafter, lodged a complaint before concerned Police Station against present applicant, based on which instant crime was registered against present applicant.
3. Anticipatory bail application filed before the Court below was rejected by impugned order.
4. Shri Abhishek Vinod Deshmukh, learned counsel for the applicant would submit that one Prajwal Kurre, who is friend of present applicant wanted to hire a Car on the ground that he and his mother had to go to Nagpur for which, Car is required. At the time of taking Car on rent, Prajwal Kurre was not possessed with any I-Card proof with him. He asked the applicant, friend of

Prajwal Kurre to forward the ID Proof and license on his Mobile phone, on which, applicant has forwarded his own ID proof from his Mobile Phone to Prajwal Kurre. Applicant has not executed any agreement himself. He further pointed out that during the course of investigation, Police has already recovered Car in question from Yawatmal, Maharashtra in unmanned condition and the complainant has taken custody of it from the Court. He also referred to Mobile chatting in support of his contention that Car was taken by one Prajwal Kurre and to show that applicant is not involved in the Crime registered against him in any manner. He submits that when Prajwal Kurre did not come back and returned the Car, present applicant himself lodged report dated 11.03.2021 at Ajad Chowk, Raipur, mentioning all the facts.

5. On the other hand, Shri Sudhir Sahu, learned counsel for the State opposing the submissions of learned counsel for the applicant, submits that it is applicant, who executed the Agreement. Applicant took Maruti Brezza Car on rent for a month and thereafter, did not return the vehicle in time. He also admits that Car was recovered lying unmanned in Yawatmal, Maharashtra.

6. I have heard learned counsel for the parties.

7. As per business norms, Complainant has given Car on rent @ Rs.50,000/- per month. Person who took the Car on rent did not return the same in time, complaint was lodged. During investigation, vehicle was seized by Police and complainant took custody of Car from Court vide order dated 16.06.2021. Taking into consideration nature of allegations, facts and circumstances of the case, without commenting anything on merits of case, I am inclined to grant anticipatory bail to the applicant.

8. Accordingly, the application is allowed and it is directed that in the event of arrest of applicant in connection with the crime in question, he shall be released on anticipatory bail by the Officer arresting him on his executing a personal bond in the sum of Rs.25,000/- (Rupees twenty-

five thousand) with one surety in the like sum to the satisfaction of the concerned Arresting Officer. The applicant shall also abide by the following conditions:

- a) That the applicant shall make himself available for interrogation before the Investigating Officer as and when required;
- b) That the 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;
- c) That the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- d) That 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.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE

padma