

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1162 of 2020**

- Deepak Sharma S/o Shree Harendra Prasad Sharma Aged About 27 Years R/o Advani Colony, Madhavrao Sapre Nagar, Birgaon, Police Station Khamtarai, District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, P.S. Amanaka District : Raipur, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Aniket Verma, Advocate.
For Respondent/State	:	Mr. Lalit Jangde, Dy. G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****07/01/2021**

Heard.

1. The applicant is apprehending his arrest in connection with Crime No.75/2020 registered at Police Station– Amanaka, District : Raipur, (C.G.) for alleged commission of offence under Sections 420 of Indian Penal Code.
2. Prosecution case is that the applicant collected huge amount of more than Rs.21 lacs from the complainant on the assurance that he will get contract for construction work awarded to him but later on, except one work, no other work arranged for the complainant and in this manner, the applicant cheated the complainant by obtaining more than Rs.21 lacs.
3. Learned counsel for the applicant would submit that out of a dispute of commission, the complainant in order to harass the applicant, has filed a false and fabricated complaint. He would submit that the complainant herself admitted that she got one work and the commission of Rs.1.50 lakh was paid to the applicant by way of cheque, except this,

there is no other proof given by the complainant of paying any amount to the present applicant in the name of awarding any civil work.

4. On the other hand, learned state counsel opposes and submits that the complainant has lodged a specific report in the police station alleging that applicant assured that he will procure contract works for the complainant on commission basis and though the applicant got one work awarded to the complainant and complainant had paid Rs.1.50 lakh to the applicant by way of cheque, subsequently, the applicant kept on collecting money from time to time on the assurance of getting work awarded but nothing happened, which prima facie shows that the applicant has cheated the complainant.

5. Having heard learned counsel for the parties and also material discloses from the case diary, prima facie, it appears that the applicant and the complainant had a business relation under which the applicant was getting some commission for arranging contract works for the complainant. A transaction of Rs.1.50 lakh made to the account of the complainant's husband to the present applicant. Even according to the complainant, some contract work was awarded to the complainant. However, allegation that subsequently huge amount was paid to the applicant does not find support from any material either in form of cheque or any acknowledgment of receipt of cash by the applicant or any other prima facie material, therefore, considering this aspect of the matter, present is a fit case for grant of anticipatory bail to the applicant.

6. The bail application is accordingly allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- along with two local sureties for the like amount to the satisfaction of the arresting officer and the applicant shall abide by all the following terms and conditions -

(i) that the applicant shall make himself available for interrogation by a Police Officer as and when required;

(ii) that 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 facts to the Court or to any

Police Officer.

Certified copy as per rules.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Ravi