

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No. 899 of 2021**

Aditya Burad S/o Shri Mangal Prasad Burad, Aged About 34 Years, R/o 2nd Floor Archana City Line, Ashok Lane, House (Gujrat).

Other Address- Flat No. 504, Block- E, 5th Floor, 80 Classic, Khamardih, Shankar Nagar, P.S. Mowa, District- Raipur, Chhattisgarh.

**---- Applicant****Versus**

State of Chhattisgarh Through Police Station Bhilai Nagar, District- Durg, Chhattisgarh.

**---- Non-applicant**

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For Applicant : Shri Pragalbha Sharma, Advocate

For Non-applicant/State : Shri B.P. Banjare, Dy. Govt. Advocate  
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***(Proceedings through Video Conferencing)***  
**Hon'ble Shri Justice Parth Prateem Sahu**

**Order on Board****04.08.2021**

1. The applicant has preferred this first bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail, as he is apprehending his arrest in connection with Crime No.249 of 2021, registered at Police Station Bhilai Nagar, Durg (C.G.), for offence punishable under Section 420, 34 of Indian Penal Code.
2. Case of the prosecution in brief, is that, written report was lodged by Ravi Bhushan mentioning therein that he is engaged in business of construction equipment supply. His brother is also doing the same business separately. The present applicant being one of the director of AMB Civil Construction Private Limited and other Sunil Kumar Lunavat (co-accused) has taken on rent Transit Mixer Machine bearing Nos.CG-04/FB/9002 and CG-

04/FB/9001, for its use at their construction site at 'Shree Cement' Baloda Bazar. Due to ill-intention, present applicant and other co-accused have not paid the rent of two Mixer Machines and absconded. Based on the complaint, instant crime was registered against the present applicant and other co-accused person.

3. Shri Pragalbha Sharma, learned counsel for the applicant submits that from the contents of complaint itself, it is apparent that present applicant has hired the Transit Mixer Machines from the complainant. He further submits that though applicant has paid rent, but for any reason, any portion of rent towards Transit Mixer Machine is not been paid till date, then the dispute raised in the complaint will be of civil nature. Complainant only to make attempt of pressurizing the applicant filed the complaint before the Police Station.
4. Per contra, Shri B.P. Banjare, learned Deputy Government Advocate representing the State vehemently opposes the bail application and submits that in the complaint, there is specific allegation that present applicant and co-accused after taking the Mixer Machines on rent, have not paid the amount towards rent due against them and absconded with ill-intention.
5. I have heard learned counsel for the parties.
6. Taking into consideration entire facts and circumstances of the case, nature of allegations made in the complaint with regard to non-payment of rent of two Mixer Machines hired by the present applicant, without commenting anything into the merits of the

case, I am inclined to release the present applicant on anticipatory bail.

7. Accordingly, bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on anticipatory bail on his furnishing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one surety in the like sum to the satisfaction of the arresting officer and he shall be abide by the following conditions :-

(i) he shall make himself available for interrogation by a police officer as and when required;

(ii) 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.

(iii) he shall not influence the witnesses during pendency of the trial.

Certified copy as per Rules.

Sd/-  
**(Parth Prateem Sahu)**  
**Judge**