

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1488 of 2020**

- Ankesh Khandelwal, son of Shri Shyam Khandelwal, aged about 27 years, resident of M/s Bhaiyaji Stores, Ramadheen Marg, Rajnandgaon, Tehsil & District Rajnandgaon, (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh - Through : The District Magistrate, Rajnandgaon (C.G.)

---- Respondent

For Applicant	:	Mr. Raghavendra Pradhan, Advocate.
For Respondent.	:	Mr. Devesh Verma, G.A.
For Objector	:	Mr. Shashi Bhushan Tiwari, Advocate.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****22/03/2021**

1. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicant who is apprehending his arrest in connection with Crime No.368/2020 registered at Police Station Kotwali, District Rajnandgaon (C.G.) for commission of the offence punishable under Section 420 of IPC.
2. Case of the prosecution is that, on 06.08.2020, a report has been lodged against the applicant alleging therein that the applicant is a businessman who runs a firm under the name and style of 'M/s Bhaiyaji Cement & Steel at Mathpara, Rajnandgaon'. The complainant's firm 'Shri Om Industries' has been supplying casing pipes of various size to the applicant from late 2018. The complainant's firm has supplied the goods worth of Rs.20,18,138/- to the applicant but

payment of Rs.8,30,406/- has been made till date and the applicant is deferring to pay the rest of the amount of Rs.11,87,732/-. Based on this, offence has been registered against the applicant under Section 420 of IPC.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that as of now the applicant has made payment of Rs.8,30,406/- to the complainant and he is desirous of making complete payment to him. He also submits that the dispute between the applicant and complainant is commercial or business dispute, which is not cognizable by the police. The applicant accepts his liability towards the complainant and is taking every steps to ensure payment of the outstanding amount. The applicant is a young businessman with no criminal background and in event of his arrest in such a frivolous matter, his entire business will sustain irreparable loss.
4. Counsel for the State however opposes the application for anticipatory bail.
5. Learned counsel for the objector also opposes the application for anticipatory bail and submits that before the lower Court the applicant agreed to make payment to the complainant, but later he denied the entire transaction and business.
6. After hearing counsel for the parties and considering the facts and circumstances of the case, in particular the fact that the part payment has been made by him to the complainant, this Court is of the considered opinion that it is a fit case to grant anticipatory bail to the applicant. Accordingly, the

application is allowed. It is directed that in the event of arrest of the applicant in connection with aforesaid crime number, he shall be released on bail on his furnishing a personal bond in the sum of Rs.1,00,000/- with one 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 applicant shall make himself available for interrogation before the concerned investigating officer as and when required;
- (ii) that the applicant 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 applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) 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.

Sd/-

(Rajani Dubey)
Judge