

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC (A) No.1306 of 2021**

- James Nachicattu, aged 58 years, S/o Late Shri NT Joseph, resident of Shop No.50, Sector-2, C Market, Bhilai, Civil, Tehsil & Revenue District Durg (CG) [wrongly mentioned as 'C' Market in impugned order]

---- Applicant (In Jail)**Versus**

- State of Chhattisgarh, through District Magistrate, Balod, District Balod (CG)

---- Non-applicant

For Applicant	:	Mr. Jaydeep Singh Yadav, Advocate
For Non-applicant	:	Mr. B.P. Banjare, Dy. Govt. Advocate

Hon'ble Mr. Justice Parth Prateem Sahu**Order On Board****02/12/2021**

- This is an application under Section 438 of CrPC for grant of anticipatory bail to applicant who apprehends his arrest in connection with Crime No.304/2021 registered at Police Station Rajhara, District Balod (CG) for commission of offence punishable under Section 420/34 of IPC.
- Case of prosecution, in brief, is that complainant lodged report in concerned police station on 13.9.2021 stating that applicant is working as Contractor and running his business in the name and style "M/s Holysun Logistic, Bhilai". Pursuant to award of mining contract by Dallirajhara Mines, Balod, applicant hired some vehicles of complainant at agreed rate of rent. Out of total bills of Rs.2,90,21,401/- raised by complainant towards rent, applicant paid only Rs.76,02,519/-. Despite repeated demands, applicant has not paid balance amount of rent and thereby cheated complainant. Based on report, FIR is registered against applicant on 13.9.2021.
- Mr. Jaideep Singh Yadav, learned counsel for applicant would submit that allegation levelled against applicant arises out of contractual dispute. There is no allegation against applicant of committing offence of cheating or forgery. Allegation is

regarding non-payment of amount of bills raised by complainant towards rent of hired vehicles, which is purely a civil dispute, if any, between the parties. Hence, applicant may be extended benefit of anticipatory bail under Section 438 of CrPC.

4. Mr. B.P. Banjare, learned Deputy Government Advocate for the State opposes the submissions of learned counsel for applicant and submits that there is specific allegation against applicant that he procured vehicles and machines of complainant on rent for deploying in Rajhara Mines, but paid only Rs.76,02,519/- out of total rent of Rs.2,90,21,401/-. Hence, there is *prima facie* involvement of applicant in commission of crime in question.
5. I have heard learned counsel for the parties and also perused copy of FIR placed on record by applicant as Annexure A-2 to bail application.
6. From the submissions made by learned counsel for parties and contents of FIR (Annexure A-2), it is apparent that complaint was lodged only on account of non-payment of amount of rent by applicant. Hence, I am of the view that present is a fit case where benefit of anticipatory bail can be extended to applicant.
7. Accordingly, anticipatory bail application is allowed and it is directed that in the event of arrest of applicant in connection with 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/- with one surety in the like sum to the satisfaction of the Arresting Officer. Applicant shall also abide by following conditions that:
 - (i) he shall make himself available for interrogation before Investigating 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 case so as to dissuade him / her from disclosing such facts to the Court or to any police officer;

- (iii) that he shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of trial.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-