

(2018) 03 CHH CK 0024
In the Chhattisgarh High Court
Case No : MCRCA No. 1113 of 2017

SUNITA RAI CHANDRAVANSHI

APPELLANT

Vs

STATE OF CHHATTISGARH

RESPONDENT

Date of Decision : 09-03-2018

Acts Referred:

Indian Penal Code, 1860 — Section 34, 420
Code Of Criminal Procedure, 1973 — Section 438

Citation : (2018) 03 CHH CK 0024

Hon'ble Judges : MANINDRA MOHAN SHRIVASTAVA

Bench : Single Bench

Advocate : Kishore Narayan, Satish Gupta

Final Decision : Disposed Of

Judgement

Heard.

1. Apprehending arrest in connection with Crime No.741/2017, registered at Police Station â?" Sarkanda, Bilaspur, District â?" Bilaspur (C.G.) for

offence punishable under Section 420/34 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.

2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. Applicant is proprietor of D.S.

Solution, the business enterprises, which does the work of scanning of books. A company namely All Process Sources Pvt. Ltd had placed order in

large scale because of which, applicant joined the complainant â?" Sunil Pandey, who is also running similar business concern by the name of CMS

Computer. Applicant and complainant entered into an agreement on 13.04.2017 and accordingly complainant made investment in the joint enterprise.

The applicant and complainant both completed the job assigned by All Process

Sources Pvt. Ltd. and the said company without making any return to the complainant and this applicant, has wound up and went in hiding. Applicant and others have lodged FIR against the said company. Complainant has lodged false FIR against the applicant for offence of cheating and no case is made out against this applicant on the basis of facts as presented above. Therefore, it is prayed that the applicant be granted anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submission made in this respect. It is submitted that according to the statement of the complainant it was on the inducement given by this applicant, complainant made investment and has been cheated, hence, no case is made out for grant of anticipatory bail.

4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.

5. It is alleged that after entering into agreement, this applicant has cheated the complainant by not returning the amount invested and on demand made, applicant has threatened the complainant because of which, FIR has been lodged.

6. Considered the submissions made and the contents of the case diary. Taking into consideration all the material in the case diary and the documents placed on record, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.

7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.

8. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :

(i) that the applicant shall make himself available for interrogation before the 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 so 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 applicants 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.