

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1083 of 2015

- 1. Rahul Bhutda S/o Sohan Lal Bhutda, Aged About 25 Years Caste - Maheshwari, R/o Village & Post - Karhibhadar, Police Station & Tahsil Balod, District Balod Chhattisgarh
 - 2. Ravi Bhutda S/o Sohan Bhutda, Aged About 28 Years, Caste Maheshwari, R/o Village & Post - Karhibhadar, Police Station & Tahsil - Balod, District Balod Chhattisgarh
 - 3. Tikendra Kumar Sahu, S/o Ramgulal Sahu, Aged About 25 Years, R/o Fagundah, Police Station & Tahsil - Gurur, District - Balod Chhattisgarh
- **Petitioners**

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station - City Kotwali, Balod, District - Balod Chhattisgarh

---- **Respondent**

For the applicants	:	Mr. Goutam Khetrapal, Advocate
For the Respondent	:	Mr. Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

06.11.2015

- 1. Apprehending arrest in connection with Crime No. 476 of 2015 registered at Police Station City Kotwali, Balod, District Balod (C.G) for the offences punishable under Sections 420/34 IPC, the applicant has filed this application under Section 438 Cr.P.C., for grant of anticipatory bail.
- 2. As per the prosecution case, one Devendra Sahu filed FIR wherein he has stated that he has applied for the post of Assistant Grade-III in Education Department and the application was filed. Thereafter, he met with Rahul Bhutda, Ravi Bhutda, the present applicants and co-accused Kamla Maheshwari. It was stated that applicant Rahul Bhutda was the Chief Bureau of Hari Bhoomi Newspaper and Kamla Maheshwari was Sarpanch and they have good relations with the Government Officers and therefore, he would be absorbed in the job. Consequently in lieu of get the job, an amount of Rs.5 lakhs was demanded by applicants Rahul Bhutda & Ravi Bhutda. Subsequently out of that, Rs.2 lakhs was paid from the pension fund of his father and the other amount was borrowed from other persons and thus

total Rs.5 lakhs was paid. Subsequently he could not get the job and on demand of Rs.5 lakhs, he was assured but he was not paid back. On 04.05.2015, a Cheque for Rs.1 lakh was given by the applicant Rahul Bhutda which was dishonoured. Thereafter on contacted again, some amount was assured to be paid, however, Rs.10,000/- was paid in the account. Thereafter, a post dated cheque for Rs.3 lakhs was given by Rahul Bhutda and Ravi Bhutda which was dated 30.12.2015. Consequently it is stated that Rahul and Ravi Bhutda have cheated the complainant with the help of Tikendra Sahu.

3. Learned counsel for the applicant submits that the transaction is itself a loan transaction since applicants Rahul and Ravi had obtained the loan of Rs.2 lakhs and it was agreed to be repaid with interest @ 5% per annum. Subsequently, a Cheque for Rs.1 lakh was given which was dishonoured, therefore, the cash amount of Rs.1 lakh was paid and the cheque was returned back and the subsequent amount was paid in instalments and eventually an amount of Rs.30,000/- remained due, for which, a post dated cheque of 13.12.2015 was given and since the maturity date has not come, it cannot be encashed and no offence of forgery has been committed.
4. Learned State Counsel opposes the argument. He submits that according the case diary, the applicants have received the amount from compliant for securing job as Shiksha Karmi and they posed themselves to be correspondent of Hari Bhoomi Newspaper and on such promise, they have received the amount. He further submits that the investigation is going on and they may be required for interrogation.
5. I have gone through the case diary. The case diary contains various statements as also the report from the villagers wherein against these applicants, the report has been made. Thereafter, primary investigation was made by the police and it was found that prima facie case was found. Taking into the documents and statements available in this case I am of the view that it is not a case where prima facie case can be stated to be made out against the applicants.
6. Thus considering the documents and statements available in the case diary I am not inclined to release the applicant on anticipatory bail as perusal of case diary would indicate that it is not a case wherein it can be assumed that custodial interrogation may not be required. Accordingly, the bail application is rejected.

Sd/-
GOUTAM BHADURI
JUDGE