

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.CR.C.(A) No. 1132 of 2015**

1. Kalawati Burman, W/o. Roshan Lal Burman, aged about 37 years,
  2. Mangla Navrang, S/o. Kaliram, aged about 50 years,
- Both are R/o. Village Chhirhutti, P.S. Lormi, Civil District- Bilaspur and Revenue District – Mungeli (C.G.)

**----Applicants**

**Versus**

1. The State of Chhattisgarh, through, S.H.O. Police Station – Kota, District – Bilaspur (C.G.)

**---- Respondent**

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| For Applicants       | : Mr. Awadh Tripathi, Advocate  |
| For Respondent/State | : Mr. O.P. Sahu, Govt. Advocate |

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order On Board**

**20/11/2015**

1. Apprehending arrest in connection with Crime No.306/2015 registered at Police Station- Kota, District – Bilaspur (C.G.), for offence punishable under Section 420, 467, 468, 471, 384, 34 of Indian Penal Code and Section 3 & 4 of Protection of Debtor Act, the applicants have preferred this application for grant of anticipatory bail.
2. As per the prosecution case, it is alleged that the complainant, Durjan Singh Uikey, retired peon has made a complaint alleging that he had obtained a personal loan of Rs.3.00 lakhs from the bank and at the time of availing the loan, few cheques were given to the bank, thereafter, the applicants using the same has filed a petition under Section 138 of N.I. Act.

3. Learned counsel for the applicant would submit that in this case the allegations is that the amount was withdrawn from 03.09.2010 to 03.08.2015 almost for five years and complainant being a government employee this can not be accepted that he was not in know of the fact that amount was withdrawn from the ATM. Therefore, he prays that the applicant may be extended the benefit of anticipatory bail.
4. Per contra, the learned State counsel opposes the prayer for grant of bail.
5. According to the statement, stolen cheques were being used by this applicants to lodge the case under Section 138 of N.I. Act. Considering the case and the statement of the complainant, it appears that custodial interrogation of the applicants may be required since the nexus of the cheque has to be established. The fact that other accused has been enlarged on regular bail can not be consideration of this application under Section 438 of Cr.P.C. as the criteria is different to consider the application under Section 438 of Cr.P.C. Therefore, I am not inclined to grant anticipatory bail to the applicants.
6. Accordingly, the anticipatory bail application is dismissed.

**Sd/-**  
**(Goutam Bhaduri)**  
Judge