

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A) No. 1133 of 2015

1. Kalawati Burman, W/o. Roshan Lal Burman, aged about 37 years, 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

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

20/11/2015

1. Apprehending arrest in connection with Crime No.307/2015 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 applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, it is alleged that the complainant, Bisahu Lal, has made a complaint alleging that he obtained the loan from bank of Rs.60,000/-, which was liquidated in the year 2010. Subsequent loan was obtained in the year 2010, which was further liquidated in the year 2011 and third loan was obtained in the year 2012, which was liquidated in the year 2013. It is further submitted that when some loan were pending, he required certain amount and obtained loan again from the bank. He further submits that while the loan being availed, certain cheques were being obtained by the bank and got signed and

were kept by the bank. However, on enquiry it was told that the cheque has been destroyed. Husband of the applicant, Roshanlal took away such cheques and got it bounced in the name of his wife and filed case under Section 138 of N.I. Act, thereby the forgery was committed.

3. Learned counsel for the applicant would submit that, the applicant has filed the case under section 138 of N.I. Act, which has been registered in such proceeding nothing has been stated by the complainant. 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. I have perused the case diary wherein the statement of the complainant was also perused. Considering the allegations made in this case, the cheques were stolen by Roshanlal and used by his wife. Considering the case and the statement of the complainant, it appears that custodial interrogation of the applicant may be required since the nexus of the cheque has to be established. Therefore, I am not inclined to grant anticipatory bail to the applicant.
6. Accordingly, the anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge