

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C. (A) No. 1130 /2015

Kalawati Burman, W/o. Roshan Lal Burman, Aged About 37 Years, R/o. Village Chhirhutti, P.S. Lormi, Civil Distt. Bilaspur & Revenue Distt. Mungeli, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through S.H.O. Police Station- Kota, Distt. Bilaspur, Chhattisgarh

---- Respondent

For Applicant : Mr. Awadh Tripathi, Advocate.

For Respondent : 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.313/2015 registered at Police Station- Kota, District Bilaspur (C.G.) for the offence punishable under Section 420, 467, 468, 471, 384, 34 of the Indian Penal Code, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution story, in brief, the complainant Dewari Lal Yadav lodged a complaint that he obtained loan from the Punjab National Bank, Kota and while obtaining loan certain blank cheques were deposited with the Bank and the cheque bearing No.815365 though was given for payment of the Bank loan was destroyed according to the Bank, but it was stolen by Roshan Lal Burman and was handed over to one Umed Das and after getting the same bounced, the case under Section 138 of Negotiable Instrument Act was filed. Therefore, the offence has been registered.

3. Learned counsel for the applicant submits that in this case Kalawati Burman had not played any role and even the cheque was got bounced by Umed Das and therefore there is no nexus of the offence in the crime No.313/2015. Therefore, the applicant may be enlarged on anticipatory bail.
4. Per contra, the learned State counsel opposes the prayer for grant of anticipatory bail. He would submit that the cheque No.815365 was used by Umed Das and the name of Kalawati do not prima facie appears.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Considering the facts and the evidence available against this applicant in this particular case, I am inclined to grant the benefit of anticipatory bail to the applicant.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, she shall be released on bail by the officer arresting her on furnishing a personal bond to a 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 herself 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 applicant shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Ashok