

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C. (A) No. 1131 /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.310/2015 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 and Section 3 & 4 of Protection of Debtor Act, 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, a complaint was lodged by one Dinesh Kumar Thakur that he obtained loan of Rs.20,000/- from Roshan Lal and thereafter the said amount was repaid to Roshan Lal but the applicant has used the cheque which was given to Roshan Lal and inserted the amount and got it bounced and file a case under Section 138 of Negotiable Instrument Act. Therefore, the offence has been registered.
3. Learned counsel for the applicant submits that a case under Section 138 of the Negotiable Instrument Act has been preferred by the applicant Kalawati Burman wherein the complainant has

appeared and entered his appearance. He further submits that the amount though was paid but the cheque was being used to prosecute under Section 138 of Negotiable Instrument Act and the defence has to be taken before the Magisterial Court and no criminal act can be attributed to this applicant. Therefore, she may be enlarged on anticipatory bail.

4. Per contra, the learned State counsel opposes the prayer for grant of anticipatory bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. I have gone through the report of the complainant Dinesh Kumar Thakur wherein it is stated that though the amount of loan which was obtained from Roshan Lal was paid but the cheque which was given as a security is being used and the complainant is being prosecuted. Considering the report and taking into the fact that the proceeding under Section 138 is pending wherein the complainant entered his appearance, 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