

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6105 of 2015

1. Roshan Lal, S/o. Late Paras Ram Satnami, aged about 40 years, Occupation - Service, R/o. Village - Chhirhutti, P.S. - Lormi, Civil District Bilaspur and Revenue District – Mungeli (C.G.)
2. Umend Das, S/o. Phoolchand, aged about 36 years, R/o. Village – Nawapara, P.S. - Lormi, Civil District -Bilaspur, Revenue District Mungeli (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Station House Officer, 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

18/11/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.307/2015, 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.
2. Case of the prosecution, in brief, is that Bisahu Lal has lodged a report that he has taken loan from the bank and deposited the Rin Pustika and signed cheque to the Manager of the Bank and the cheque book was with the bank, which was not returned to him and subsequently by the applicant the cheque was stolen and thereafter, the complaint was filed under Section 138 of the Negotiable Instrument Act. It is further case of the prosecution that stolen cheque was used by the wife of the applicant and case under Section 138 of Negotiable Instrument Act

was filed, therefore, the offence is committed.

3. Learned counsel for the applicants would submit that case under Section 138 of Negotiable Instrument Act was filed in the year 2013 and in such case, the complainant has also entered his appearance and enlarged on bail, however, no averment was ever made and subsequently the report was made. He would further submit that the applicants are in jail since 14.09.2015, therefore, he prays that the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the gravity of the charges and the fact that it contains the legal notice of dishonour of cheque and taking into the fact that the evidence which is almost documentary in nature and considering the gravity of the offence, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge