

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6113 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.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Station House Officer, Police Station - Kota, District Bilaspur (C.G.)

---- Respondent

For Applicant	: 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 applicant who has been arrested 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.
2. Case of the prosecution, in brief, is that Dinesh Kumar Thakur, the complainant has lodged a report that he obtained the loan from the applicant to the extent of Rs.80,000/- and it was returned, however, subsequently, the case under Section 138 of the Negotiable Instrument Act was filed against him, thereby the offence is committed.
3. Learned counsel for the applicant would submit that a case against the complainant under Section 138 of Negotiable Instrument Act was registered before the JMFC and before filing such complainant under Section 138 of N.I. Act, notice to recall was also served to the

complainant and the complainant has entered his appearance. Subsequently, this report has been lodged, which is completely frivolous. He would further submit that the applicant is in jail since 14.09.2015, therefore, prays that he may be enlarged on bail.

4. I have heard learned counsel appearing for the parties and perused the case diary.
5. Having regard to the fact of this case and the nature of the allegations and the fact that the complaint under Section 138 is already pending 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 applicant should be enlarged on regular bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
8. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge