

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C. (A) No. 907 /2015

Ramesh Kumar Koshle, S/o. Late B.R. Koshle, Aged about 48 years, Working at Health Department, Assistant Grade-3, R/o. Manjhwapra, Jarhabhata Bilaspur Ward No.10, P.S. Civil Line, Bilaspur, Tahsil & District Bilaspur (C.G.)

---- Applicant

Versus

1. State of Chhattisgarh, Through: District Magistrate Bilaspur (C.G.)
2. Rakesh Verma, S/o. Late Umakishor Verma Aged About 55 Years, Assistant Grade- 3, Nagar Palik Nigam Bilaspur (Vikash Bhavan Near Nehru Chook Bilaspur) P.S. Civil Line Bilaspur, Tahsil & District - Bilaspur (C.G.).

---- Respondents

For Applicant : Mr. Amit Kumar, Advocate
For Respondent No.1 : Mr. Ashok Swarnakar, Panel Lawyer
For Respondent No.2 : Mr. Devesh Chand Verma, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28/10/2015

1. Apprehending arrest in connection with Complaint Case No.4054/ 2015 pending before C.J.M. Bilaspur (C.G.), for the offence punishable under Section 468, 420 of IPC, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the complaint case initially a complaint was filed by the application under Section 138 of Negotiable Instrument Act against the complainant for dishonor of cheque by showing the same as an insufficient fund in the year 2012, however, the same was compromised in the year 2013. Subsequently, a complaint was filed against this applicant wherein it was stated that the applicant has forged the document by showing the cheque with the insufficient fund but actually the cheque was outdated. Therefore, a complaint being made, the case is registered and the bailabe warrant has been issued.
3. Learned counsel for the applicant submits that initially the case was filed under Section 138 of Negotiable Instrument Act and it was withdrawn by an order dated 25.10.2013. In such case, the complainant did not raise any voice about the forged document,

however, subsequently a complaint was filed. Therefore, taking into the facts and circumstances of the case, the applicant may be enlarged on anticipatory bail.

4. Per contra, the learned State counsel and learned counsel for the Respondent No.2 opposes the prayer for grant of anticipatory bail. Learned counsel for the Respondent No.2 would submit that by forging the false document, the complainant get the case registered of 138 as the cheque though was out-dated but it was made to show that it is insufficient fund.
5. I have heard learned counsel appearing for the parties and perused the documents on record.
6. Taking into account the issue involved in this case and perusal of the document of the complaint case, I am inclined to grant 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, he shall be released on bail by the officer arresting him on executing a personal bond in 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 himself 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 him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge