

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5237 of 2015

Praveen Kumar Pathak S/o Prakash Narayan Pathak Aged About 42
Years R/o Ganjpara Durg, P.S. Mohan Nagar, Tehsil & District Durg
Chhattisgarh

---- Applicant

Versus

The State Of Chhattisgarh Through Station House Officer Of Police
Station Mohan Nagar Durg, District Durg Chhattisgarh

---- Respondent

For applicant - Shri Shailendra Dubey, Advocate.
For Respondent/State – Shri Raj Kumar Gupta, Dy.A.G.
For objector – Shri Ajay Thakre, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order

26/10/2015

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 340/2014 registered in Police Station Mohan Nagar, Durg District Durg (C.G.) for offence punishable under section 420, 467, 468, 471 of IPC.
2. Case of the prosecution in brief is that applicant obtained amount of Rs.50 lakhs to grant NOC for a land which is situated at Pune and thereafter could not get NOC from the government. Subsequently, on being enquired he showed fax of the congress committee which was subsequently found to be forged and subsequently he was arrested.
3. Learned counsel for the applicant submits that in respect of the transaction for the cheque issued, complaint under Section 138 of Negotiable Instruments Act is filed before court of JMFC, Pune which is

pending. He submits that in both cases in criminal complaint and complaint before JMFC, Pune under Section 138 of Negotiable Instruments Act facts have been narrated, therefore police after investigation has sent closure report initially and therefore considering the facts charge sheet has been filed, he may be enlarged on bail.

4. Learned State counsel and learned counsel for the objector opposes the prayer for grant of bail. It is however not disputed that complaint under Section 138 of Negotiable Instruments Act for recovery of the amount of cheque has been filed before the court of JMFC, Pune.

5. I have heard learned counsel for the parties.

6. Having regard to the fact that charge-sheet has been filed and complaint under Section 138 of Negotiable Instruments Act of the same subject matter has been filed, offences are triable by JMFC, this court is inclined to release the applicant on bail.

7. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.50,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE