

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7775 of 2015

- Sunil Kumar Agrawal S/o Madanlal Agrawal Aged About 45 Years R/o 20/1-B, Shiv Krishna Dadu Land, P.S. Phoolbagan, District Kolkata, (W.B.). --- **Petitioner**

Versus

- State of Chhattisgarh Through P.S. Kota, District Bilaspur Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Pawan Kumar Shrivastava, Adv.
For the Respondent	:	Mr. Anil S. Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

19.01.2016

1. This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 243 of 2015 registered at P.S. Kota, District Bilaspur (C.G) for the offence punishable under Sections 420, 467, 468 & 471 read with section 34 of IPC.
2. The prosecution case, in brief, is one Mohan Agrawal has lodged a complaint that he received a phone call from one D.Bhagat that he can get the loan sanctioned and thereafter certain documents were prepared and a cheque bearing No.005219 for Rs.480/- drawn on Central Bank was issued and another cheque bearing No.252971 for Rs.9 lakhs drawn on SBI was also issued for preparation of demand draft. Subsequently with the help of heat of lighter the beneficiary's name and figures were changed, however, the same being doubted the complainant had stopped the payment of such cheque. During investigation, it was found

that the applicant alongwith other co-accused Suresh @ Ashok Singh has deceived one Santram Sahu from whom an amount of Rs.8,75,000/- was received by the accused.

3. Learned counsel for the applicant submits that no evidence exists against the applicant and even the aforesaid Cheques issued for Rs.480/- and Rs.9 lakhs respectively have also not been seized by the Police.
4. Per contra, learned State Counsel opposes the bail application and submits that applicant Sunil Kumar Agrawal pretended himself as D. Bhagat, thereby fraud has been committed. He further submits that the applicant is known as D.Bhagat and also by name of Pramod Singh and according to the memorandum, the applicant along-with other co-accused Ashok Singh has deceived one Sant Ram Sahu from whom they received a sum of Rs.8,75,000/-.
5. A perusal of the documents available in case diary show that the Cheque which was seized do not bear the name of payee but according to the statement of complainant the payee was named.
6. Taking into totality of the facts and circumstances and on perusal of the seizure memo of applicant wherein applicant Sunil Kumar has been shown as D. Bhagat @ Pramod Singh as also considering the way in which the offence committed by changing the figures and names of payees of cheques which amount to interpolations, I am not inclined to allow this bail application. Accordingly, it is rejected.

**Sd/-
GOUTAM BHADURI
JUDGE**