

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 285 of 2016

1. Mohd. Lateef, S/o. Mohd. Kadar, aged about 65 years, at present, R/o. Jainam Heights, 103 A, Lalpur, Raipur, P.S. And Post – Tikrapara, Civil and Revenue District- Raipur, District-Raipur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Police Station, City Kotwali, Raipur, District – Raipur (C.G.)

---- Respondent

For Applicant	: Mr. Manoj Paranjpe, Advocate
For Respondent/State	: Mr. Sangharsh Pandey, Dy.G.A.
For Objector	: Mr. Maneesh Sharma, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

12/04/2016

1. Apprehending arrest in connection with Crime No.85/2016 registered at Police Station- Civil Lines, Raipur District – Raipur (C.G.), for offence punishable under Section 420 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, the complainant, Tej Kumar Bajaj has lodged a complaint that he advanced an amount of Rs.11.00 Lakhs to the applicant and in order to return the amount, two cheques were given on 25.02.2015 of Rs.2.00 lakhs and Rs.9.00 lakhs and on being deposited to the bank, the cheques were bounced on the ground that account has already been closed on 08.09.2014. Thereby the fraud has been committed.

3. Learned counsel for the applicant would submit that the applicant and the complainant were in business transaction and therefore, in usual course of transaction, cheques were given and the cheques were deposited on 02.04.2015, which was bounced on 04.03.2015, thereafter, the FIR was made on 02.02.2016. He therefore submits that the nature of transaction is completely monetary in nature, therefore, the applicant may be enlarged on anticipatory bail.
4. Per contra learned State counsel as well as counsel for the objector opposes the application for grant of anticipatory bail.
5. Perused the case diary. Perusal of the case diary shows that three letters were given to return the amount with an assurance, however, the amount was not paid. Also perused the statement of the complainant. Taking in to the fact and the nature of the transaction is completely of monetary and civil in nature and considering the allegation levelled against the applicant this Court is inclined to extend the benefit of anticipatory bail to the applicant as the custodial interrogation of the applicant may not be required in this case.
6. Accordingly, the anticipatory bail application is allowed and 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