

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No.883 of 2016**

1. Premchand Jain, S/o. Deepchand Jain, aged about 36 years, R/o. Ward No.9, Doundilohara, Police Station & Tahsil – Doundilohara, District – Balod (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : the District Magistrate, Balod (C.G.)
2. Ramnarayan Sahare, S/o. Mahru Ram, aged about 55 years, R/o. Raipura, Tahsil and Police Station Doundilohara, District – Balod (C.G.) (Complainant).

---- Respondent

For Applicant	: Mr. B.P. Singh, Advocate
For Respondent/State	: Mr. Anupam Dubey, Dy.Govt. Advocate
For Respondent No.2	: Mr. Awadh Tripathi, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****20/10/2016**

1. Apprehending arrest in connection with Complaint Case No.208/2016, pending before the Court of Judicial Magistrate First Class, Doundilohara, District – Balod (C.G.), for offence punishable under Section 420, 467, 468, 471/34 of Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, the complainant, Ramnarayan Sahare has authorized the applicant to obtain the ATM pin number from the bank and taking the advantage of the same, the applicant on different point of time withdrew an amount of Rs.45,000/- in the month of October, 2013 for which the report was made to the police. Subsequently no action having been taken, the complaint was made and the complaint case having registered, the instant application for grant of anticipatory bail has been filed.

3. Learned counsel for the applicant referred to the statement of Branch Manager, R.K. Meshram, which is received under RTI and would submit that the complainant himself came to the bank and authorized go give ATM pin number to the applicant and on his assurance, pin number was given, therefore, no fraud has been committed. It is further submitted that the applicant has filed a petition under Section 138 of N.I. Act, wherein the complainant was convicted by an order dated 31.10.2014 vide Annexure A/8 and immediately after to avenge the same, false allegations have been made by way of complaint. Therefore, the counsel prays that the applicant may be extended the benefit of Section 438 of Cr.P.C.
4. Per contra, learned counsel for the State opposes the application for grant of bail.
5. I have heard learned counsel for the parties.
6. Perused the case diary, documents as also the order of conviction, passed against the complainant vide order dated 31.10.2014 and further the statement of Branch Manager, which was recorded on 19.10.2013. Taking into totality of the case and the nature of allegation, this Court is inclined to extend the benefit of anticipatory bail to the applicant, as no custodial interrogation may be required in this case.
7. 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 on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. The applicant shall also abide by the following conditions :
 - (i) 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;

(ii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iii) 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