

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 1055 of 2016

1. Mohd. Jameel Chouhan, S/o. Late Hazi Mohd. Najeer Chouhan, aged about 40 years, R/o. Ward No.11, Bazar Ward, Police Station and Tahsil Mahasamund, District – Mahasamund (C.G.).
2. Mohd. Ashfaque Chouhan, S/o. Hazi Mohd. Saleem Chouhan, aged about 26 years, R/o. Ward No.15, Swami Chowk, Police Station and Tahsil Mahasamund, District – Mahasamund (C.G.)

----Applicants

Versus

1. State of Chhattisgarh, Through : Police Station Pithora, District – Mahasamund (C.G.)
2. Jamuna Prasad Dhritlahre, S/o. Late Mahavir Dhritlahre, aged about 48 years, R/o. Ward No.3, Police Station and Tahsil Pithora, District – Mahasamund (C.G.)

---- Respondent

For Applicants	: Mr. Manoj Paranjpe, Advocate
For Respondent/State	: Mr. Anupam Dubey, Dy, Govt. Advocate
For Objector	: Mr. Sumit Shrivastava, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16/12/2016

1. Apprehending arrest in connection with Complaint Case No.317/2016, pending before the Court of Judicial Magistrate First Class, Pithora, District – Mahasamund (C.G.), for offence punishable under Section 420 and 120B of Indian Penal Code, the applicants have preferred this application for grant of anticipatory bail.
2. As per the prosecution case, a complaint was filed by the respondent No.2, Jamuna Prasad Dhritlahre under Section 420, 120B of Indian Penal Code and Section 138 of Negotiable

Instrument Act for dishonor of cheque of Rs.2.00 Lakhs. The complaint was filed in the year 2013, subsequently it was registered and the notices were issued and the offence has been registered under Section 420 and 120B of Indian Penal Code.

3. Learned counsel for the applicants would submit that a contract was granted to the applicant No.1, Mohd. Jameel Chouhan, which was sub-contracted to Jamuna Prasads Dhritlahre and it is alleged that Jamuna Prasad Dhritlahre had carried out the work for which a cheque was issued by Mohd. Ashfaque Chouhan, the applicant No.2, which was dishonored for which initially a notice for dishonor of cheque was issued on 26.06.2013, which was replied by the applicants on 12.07.2013. Subsequently, the complaint was filed, therefore, the entire nature of complaint is for dishonour of cheque, therefore, the counsel prays that the applicants may be extended the benefit of anticipatory bail.
4. Per contra learned State counsel as well as learned counsel for the objector opposes the application for grant of anticipatory bail.
5. Perused the complaint and the notice which was exchanged between the parties. The complaint was under Section 420, 120B of I.P.C. and under Section 138 of Negotiable Instrument Act. Taking into the facts and circumstances of the case and considering the nature of allegation, this Court is inclined to extend the benefit of anticipatory bail to the applicants as the custodial interrogation of the applicants may not be required.
6. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail on executing a personal bond in sum of Rs.25,000/- with one surety

each in the like sum to the satisfaction of the concerned trial Court.

The applicants shall also abide by the following conditions :

- (i) that the applicants 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 applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iii) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge