

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. CRIMINAL CASE NO. 4934 OF 2017

Purandas Manikpuri, S/o Krishnadas Manikpuri, aged about 26 years,
Village- Dhamni, Post Kirvai, District Gariyaband (C.G.)

... Applicant

Versus

State of Chhattisgarh, through the Police Station House Officer, Thana-
City Kotwali, Dhamtari, District Dhamtari (C.G.)

... Respondent

For Applicant	:	Mr. Deepak Jain, Advocate.
For Respondent-State	:	Mr. Gary Mukhopadhyay, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

20/11/2017

1. The present is an application filed under Section 439 of CrPC seeking for grant of bail to the Applicant who is in jail since 25.4.2017 in connection with Crime No. 145/2017 registered at Police Station- City Kotwali, Dhamtari, District Dhamtari, for the offence punishable under Sections 419, 420 of IPC and Section 138 of the Negotiable Instruments Act.

2. As per the prosecution case, on 9.4.2017, the Applicant is said to have purchased a mobile set from the shop of one Deepak Manglani, i.e., the shop named as 'Deepak Electronics' and had issued a check of Rs.17,990/- for the said purchase. The said check subsequently on being put for realization got dishonoured on account of insufficient fund, for which a complaint was lodged against the Applicant and a criminal case has been registered against him.

3. Learned Counsel for the Applicant submits that the present Applicant has already remained in jail for a period of about 7 months and that the amount involved is too meagre an amount i.e. around Rs.18,000/- and thus prayed for the release of the Applicant on bail.

4. Learned Counsel for the State however opposing the bail application submits that it is a case where there are similar allegations also against the present Applicant as is reflected from the statements recorded during the course of investigation and thus prayed for the rejection of the appeal.

5. Taking into consideration the facts and circumstances of the case, this Court is of the opinion that in the instant case the complainant had a remedy of initiating appropriate proceeding under Section 138 of the Negotiable Instruments Act rather than going to the police authorities for levelling a complaint against the Applicant for the offence punishable under Section 419, 420 of IPC. Record shows that there is no notice under the provisions of the Negotiable Instruments Act sent by the complainant.

6. Further, taking into consideration the amount involved in the case and the fact that the Applicant has remained in custody for a period of about 7 months, this Court is of the opinion that prima facie a strong case has been made out for grant of bail.

7. Accordingly, the application for grant of bail is allowed. It is directed that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.

Sd/-
(P. Sam Koshy)
Judge