

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 289 of 2017

- Chandrashekhar Kiran Giri S/o Somprakash Giri Aged About 51 Years R/o New Shanti Nagar, Police Station- Civil Line, Raipur, District Raipur, Chhattisgarh.

---- Applicant

Versus

1. State Bank Of India & Anr. Through Branch Manager, Byran Bazar Raipur, District Raipur, Chhattisgarh.
2. State Of Chhattisgarh Through Station House Officer Police Station- Maudahapara, District Raipur, Chhattisgarh.

---- Respondents

For Applicant	:	Mrs. Indira Tripathi, Advocate.
For Respondent No.1	:	Mr. Utsav Mahiswar on behalf of Mr. P.R. Patankar, Advocate.
For Respondent No.2/State	:	Mr. UKS Chandel, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

30/11/2017

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Criminal Case No. No.636/2017 registered at Police Station- Maudahapara, District – Raipur(C.G.), for the offence punishable under Sections 420 & 468 of the Indian Penal Code (for short 'IPC').
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. It is submitted that the allegation against the applicant is this, that he forged a cheque to withdraw the amount, which was meant to be paid to Dinesh Kumar

Sharma. The concerned bank lodged FIR against applicant, but police has not taken any action, thereafter, a complaint has been filed which has been registered and cognizance has been taken against the applicant. It is prayed that the amount withdrawn by the applicant has been refunded and compromise has been arrived at. It is prayed that the case against the applicant is likely to take some time for its conclusion. Applicant is ready to abide by all the conditions imposed for grant of anticipatory bail, hence, it is prayed that he is entitled for grant of bail.

3. Learned counsel of respondent No.1 opposes the bail application and submits that the applicant has committed offence of embezzlement of public money. On complaint received from Dinesh Kumar Sharma, it was found in the inquiry that applicant has forged with the cheque to withdraw the amount for his own use, hence, applicant is not entitled for grant of bail.
4. Learned State counsel opposes the bail application and the submissions made in this respect.
5. Heard both the parties and perused the case diary.
6. The facts of the case are these, that cheque was issued by Municipal Corporation, Raipur in favour of Dinesh Kumar Sharma for amount of Rs.1,18,900/-somehow the applicant came in possession of the said cheque, who used the cheque by forging it and putting his name as the recipient of the cheque and withdrew amount from the concerned bank. On complaint made by Dinesh Kumar Sharma it was found in the inquiry that applicant had forged the cheque issued in the name of Dinesh Kumar Sharma and used the same for withdrawing the amount from the bank. On bank lodging FIR against the applicant no action

was taken thereafter complaint has been filed in which the trial Court has taken cognizance.

7. Considering the facts and circumstances of this case and taking into consideration this fact that applicant has given in writing admitting the act committed by him in withdrawing the said cheque taken in the name of Dinesh Kumar Sharma and has refunded the amount to the bank and that the case has been registered against him after 12 years from the date of incident and that the trial of the case is likely to take some time for these reasons, it appears that applicant should be benefited with grant of anticipatory bail.
8. 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 his executing a personal bond in the 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 them by the said Court till disposal of

the trial.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha