

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8573 of 2016

- Santosh Chaudhari S/o Jairam Chaudhari, Aged About 40 Years
R/o A- 505, Shreya Exotica, Vastral, Ahemdabad, Gujrat.

---- Petitioner

Versus

- State of Chhattisgarh Through- Police Station- City Kotwali, Raipur
Chhattisgarh.

---- Respondent

For Applicants : Mr. Pawan Kesharwani, Advocate

For Respondent/State : Mr. Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

11-01-2017

1. This is first bail application filed under Section 439 of the Cr.P.C., for grant of regular bail to the applicant who has been arrested on 15-9-2016 in connection with Crime No. 238 of 2016 registered at Police Station City Kotwali, Raipur (CG) for the offence punishable under Section 420, 467, 468, 471 and 511 of the IPC.
2. As per prosecution case, a report was made by Nagendra Tiwari who was working as Manager in M/s. Ashutosh Engineering Industries that they were having account in State Bank of India, Commercial Branch, Raipur. They have received a phone call from the said Bank that they have issued a cheque of Rs.99,99,800/- in favour of one Vijay Bhai which was denied. Subsequently, a report was made and it was found that the said cheque was presented for clearance

in the State Bank of India, Branch Limbdi, Ahmadabad, Gujarat. It was also reported that prior to that, other forged cheques i.e, cheque No.093459 dated 16-8-2016 of Rs.3,78,957 which was in the name of Jasvinder was presented for payment in Sonpath Branch, Haryana which was denied due to objection raised by the Bank Manager, likewise, cheque No.093397 dated 12-8-2015 of Rs.2,00,000/- in the name of Laichunzali, Mizoram and cheque No.093399 dated 12-8-2016 of Rs.2,00,000/- in the name of Maloawmthungi, Aizwal, were also presented for payment. Due to objection raised by the Bank Manager, the same were also denied. On investigation, it was revealed that present applicant along with other co-accused persons tried to encash the cheques by depositing the same by clearance and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the applicant is a Tax Advisor and when the cheque was presented to get encashed he extended his help as he was known to State Bank and he has nothing to do with cheques or was party to forgery. He would further submit that the role of the present applicant is entirely different from other co-accused persons and he was not involved in the crime. He would further submit that charge-sheet has been filed, the applicant is in jail since 15-9-2016 and no further investigation is necessary, therefore, he may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail application.

5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Perused the statement of Tushar Kumar Joshi who is nephew of the present applicant wherein allegations have been attributed against the present applicant that even after knowing the facts, the applicant tried to encash the cheque.
7. Taking into consideration all the facts and circumstances of the case, nature of allegations and degree of offence and further considering the statement of Tushar Kumar Joshi and the way the offence has been committed, I am not inclined to release the applicant on bail.
8. Accordingly, the application filed under Section 439 of the Cr.P.C., is liable to be and is hereby dismissed.

Sd/-

(Goutam Bhaduri)
Judge

Raju