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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 188 of 2018

- Manendra Singh Saluja S/o Surjit Sigh Saluja, Aged About 46 Years, Propreitor S.S Lohari Udyog, Balodabazar Road, Saddu, R/o Guru Govind Singh Nagar, Pandri Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Civil Lines Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Kishore Bhaduri and Shri Pawan Keshwarni, Advocates.

For Non-applicant/State – Shri Anupam Dubey, Deputy Govt. Advocate.

Shri Devershi Thakur, Advocate for the Objector.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

27-04-2018

1. Apprehending arrest in connection with Crime No.60/2018, registered at Police Station – Civil Lines Raipur, District Raipur, Chhattisgarh for offence punishable under Section 420, 467, 468, 471 of the IPC, the applicant has preferred this application for grant of anticipatory bail.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against him, according to the case under investigation. The criminal case is outcome of the dispute between the applicant and his brother/complainant namely Ranbir Singh Saluja, as it is alleged that forged cheques of the account of the complainant were used to withdraw the amount from his personal account and the amount so withdrawn was deposited in HUF account of both the parties, which by itself shows that this applicant was not beneficiary of those withdrawals. In fact, there is dispute of partition between the applicant and the complainant and as the applicant had published a notice for sale of property received by him in partition, the complainant has come forward with this complaint regarding the alleged act that have been committed in between the

year 2013 to 2015. Hence, under these circumstances, it is prayed that the applicant is entitled for grant of anticipatory bail.

3. Learned counsel for the non-applicant/State opposes the application and submits that clear allegation has been made by complainant Ranbir Singh Saluja that the applicant had stolen the cheques of personal account of the complainant and made use of the same to withdraw the amount to the tune of Rs.1,11,00,000/- by forging his signature in the cheques and the amount so drawn has been deposited in the personal account of the applicant. The bank statements have been collected in the investigation, which is a clearly proof against the applicant. Hence, looking to the serious allegation against the applicant, there is requirement of his custodial interrogation. Hence, it is prayed that the application may be rejected.

4. Learned counsel on behalf of the objector/complainant adopts the argument advanced on behalf of the State and submits that there is no delay in filing the complaint against the applicant because as soon as the complainant came to know about the fraud committed with him, he has made the complaint and there is sufficient evidence present in this case. Therefore, the applicant is not entitled for grant of anticipatory bail.

5. I have heard the learned counsel for the parties and perused the case diary.

6. According to the complaint made by complainant Ranbir Singh Saluja, he and his brother/this applicant have separate businesses. The complainant had an account in Punjab National Bank, Anupam Nagar, Pandari, Raipur. On seeing the account statement, he came to know about the withdrawals on the basis of some cheques to the tune of Rs.1,11,00,000/- on the basis of forged cheques which were never issued by him. The amount so withdrawn from his account was transferred in the account of HUF account of the applicant. In statement under Section 161 of the Cr.P.C. the complainant has alleged that

earlier when he had good relation with the applicant, the applicant had misused that occasion and stolen some cheques which have been used by him for said withdrawals.

7. After considering on the evidence present in the case diary and that the cheques in question have not been owned by the complainant and from the bank statement it is clear that the applicant was the beneficiary of said withdrawals which are alleged to have been withdrawn by use of forged cheques, this Court is of the view that no extraordinary case is made out for grant of anticipatory bail.

8. Consequently, the application filed by the applicant under Section 438 of the Cr.P.C. for grant of anticipatory bail is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge