

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 401 of 2018**

Dinesh Singh, S/o. Lahurman Singh, Aged About 41 Years, R/o. HTPP Colony, Qtr. No. F-48, Darri, Tehsil Katghora, Distt. Korba Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through: The Station House Officer, Police Station Darri, Distt. Korba Chhattisgarh.

---- Respondent**AND****M.CR.C.(A). No. 403 of 2018**

Rocky Robin Rodrigs, S/o. Oscar Rodrigs, Aged About 38 Years, R/o. C/o Anu Choice Centre, Polt No. 80, Up Stair Of Shiv Aushadhalaya Colony Jamnipali, Tehsil Katghora, Distt. Korba Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Police Station Darri, Distt. Korba Chhattisgarh.

---- Respondent

For Applicants	: Mr. Jitendra Shrivastava, Advocate
For Respondent/State	: Mr. Ashok Swarnakar, Panel Lawyer
For Objector	: Mr. R.S. Patel, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****06/07/2018**

- Both the bail applications are heard and decided together by this common order as they are arising out of the same crime number and the incident.

2. Apprehending arrest in connection with Crime No.58/2018, registered at Police Station – Darri, District – Korba (C.G.) for offence punishable under Section 380, 420, 467, 468, 34 of the Indian Penal Code, the applicants have preferred this applications for grant of anticipatory bail.
3. It is submitted by the learned counsel for the applicants, that the applicants have been falsely implicated in this case. The complainant in this case has to create a defence for prosecution against him on complaint made by the applicant – Rocky Robin Rodrigs (applicant in M.Cr.C.(A) No.403/2018 under Section 138 of Negotiable Instrument Act, has filed a false compliant about the theft and forgery of the cheque, which is totally false and improbable story put up by him. Documents have been attached regarding filing of complaint under Section 138 of Negotiable Instrument Act, which clearly shows the concoction. Hence, for this reason, it is prayed that the applicants may be enlarged on anticipatory bail.
4. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that as the applicants have not appeared and cooperated with the police, the investigation is stand still and there may be of requirement of their custodial interrogation, hence, the applicants may not be released on bail.
5. Learned counsel for the objector submits that the applicants are not entitled for grant of anticipatory bail, therefore, the applications may be rejected.

6. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
7. The complainant Vinit Das has lodged FIR alleging that in his absence, the applicant Rocky Robin Rodrigs made search of his house and has stolen one cheque from his cheque book. The said cheque with forged signature of the complainant was presented before the bank for encashment, which was dishonored by the bank. On receiving the legal notice, he came to know about this theft. Hence this case.
8. Considered the submissions made and the contents of the case diary. It is again the submission is made by the counsel for the applicant that infact the complainant has created the defence in his favour to evade the prosecution under Section 138 of Negotiable Instrument Act. After considering all the facts and circumstances of the case, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicants.
9. Accordingly, both the anticipatory bail applications filed under Section 438 of Cr.P.C. are allowed.
10. It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them 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 Investigating Officer. The applicants shall also abide by the following conditions :
 - (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;

- (ii) 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;
- (iii) that the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) 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/-
(Rajendra Chandra Singh Samant)
Judge

Balram