NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 418 of 2018

- Rahul Chandrakar S/o Shri Yuvraj Chandrakar, Aged About 29 Years, R/o- Labhra Khurd, Tel Mahasamund, District- Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Police Station Mahasamund, District- Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Non-applicant

For Applicant – Shri Pragalbha Sharma, Advocate.
For Non-applicant/State – Shri Anil S. Pandey, Govt. Advocate.
Smt. Indira Tripathi, Advocate for the objector.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

25-07-2018

1. Apprehending arrest in connection with Crime No.139/2018, registered at Police Station – Mahasamund, District- Mahasamund, Chhattisgarh for offence punishable under Section 420 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 only because of the family dispute. Complainant Kavita Chandrakar is aunt of this applicant in whose name the applicant had proposed for obtaining gas agency. It is the applicant himself who made investment by depositing amount in the account of the complainant for the purposes of business, regarding which a notice has been received by the complainant from the Income Tax Department for payment of tax and penalty. The applicant is ready to settle the matter, but the complainants are adamant and intend to realize money from the applicant. Hence, it is prayed that the applicant may be benefited with grant of anticipatory bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that according to the contents of the FIR, it is a clear case of

commission of offence of cheating as well as forgery of documents, hence, the application may be rejected.

4. Learned counsel for the objector submits that the applicant gave inducement to the complainant and by taking her in confidence obtained her signature for opening her bank account etc. Later on, the applicant made use of the bank account and has operated the account by forging signature of the complainant on cheque-book and other documents. The objector/complainant came to know about the fraud committed when she received notice of the Income Tax Department for payment of income tax and penalty concerning the said bank account, for which she is not responsible. Hence, it is prayed that the application may be rejected.

5. Heard learned counsel for the parties and perused the case diary.

6. The case against the applicant is briefly discussed hereinabove. The other facts are these that, this applicant intended to do the business of gas agency in the name of the complainant, for which an account was opened in the name of the complainant and used by the applicant himself. After notice of the Income Tax Department that was received by the complainant, it appears that this applicant has not made any effort to settle the same in effective manner, because of which, the complainant is getting harassed and is threatened for action by the Income Tax Department. Hence, under these circumstances, I do not find it to be a fit case for grant of anticipatory bail to the applicant.

7. Accordingly, the anticipatory bail application filed by the applicant is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil