

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC (A) No. 575 of 2018

- Ajay Jain S/o Late Mishri Lal Jain Aged About 54 Years R/o- M.I.G. 38, Maharana Pratap Nagar, Korba, Tahsil And District- Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Applicant

Versus

1. Sujeet Swarnkar S/o A.K. Swarnkar Aged About 28 Years R/o- Amrit Singh Gurudwara Pali Road, Deepika, Tahsil Katghora, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh
2. State Of Chhattisgarh Through- Collector Korba, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Respondent

 For Applicant : Shri Anil Gulati, Advocate
 For Respondent 1/Complainant: None though served
 For Respondent 2/State : Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Ram Prasanna Sharma
Order On Board

12/11/2018

1. Heard on admission.
2. Admit.
3. This is an application filed under Section 438 of the Cr.P.C. for grant of anticipatory bail to the applicant, who is apprehending arrest in connection with Criminal Complaint No. 209/2006, pending before the Court of Judicial Magistrate First Class, Korba, District Korba (CG) for the offence punishable under Section 420 of the IPC.
4. As per the case of prosecution, the applicant is a Proprietor of Jain Agency situated at Rani Road, Korba who supplies general items. He received a draft of Rs.1,00,000/- from the complainant and supplied him articles valued to Rs.60,000/-, but the articles for

remaining amount of Rs.40,000/- were not supplied. For non-supply of the articles, the applicant issued a Cheque in favour of the complainant to the tune of Rs.40,000/- which was dishonored.

5. Learned counsel for the applicant submits that it is a case of civil nature and remedy lies in filing complaint under Section 138 of the Negotiable Instruments Act, 1881. He submits that the charges are false, therefore, the applicant should be extended benefit of anticipatory bail.

6. On the other hand, learned counsel for the State opposes the bail application.

7. Looking to the transactions between the parties and further looking to the fact that it is a case of dishonor of Cheque, I am of the opinion that present is a fit case to extend the benefit of anticipatory bail to the applicant.

8. Accordingly, the bail application filed under Section 438 Cr.P.C. is allowed. It is directed that in the event of arrest, the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in like sum to the satisfaction of the Officer arresting him and he shall abide by all the following terms and conditions:

- (i) that the accused/applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required;
- (ii) that the accused/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 to any police officer;

(iii) that the accused/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 him by the said Court till disposal of the trial.

(v) if there is any change of address of the applicant, he will immediately inform the Investigating Officer regarding his change of address.

Sd/

(Ram Prasanna Sharma)
JUDGE