

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 605 of 2018**

Kumbhkaran Joshi @ K.K. Joshi, S/o. Late Rajoolal Joshi, Aged About 58 Years, R/o. Village Murmunda, P. S. Nandini, Tahsil and District Durg Chhattisgarh.

----Applicant

Versus

1. Ajay Kumar Chaturvedi, S/o. Chowaram, aged about 28 years, R/o. Village And Post Nardha, Tahsil And District Durg Chhattisgarh.
2. State Of Chhattisgarh, Through : P.S. Nandini, District Durg Chhattisgarh.

---- Respondents

For Applicant	: Mrs. Meena Shastri, Advocate
For Respondent No.1/State	: Mr. Anupam Dubey, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****17/07/2018**

1. Apprehending arrest in connection with Complaint Case No.711/2018, pending before the Court of Judicial Magistrate First Class, Durg, District – Durg (C.G.), for offence punishable under Section 420/34 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. In-fact there had been a dispute between the applicant and complainant regarding the payment of outstanding loan, which the applicant had taken from complainant in the year 2014 regarding which due to the pressure created by the complainant, the applicant had to give some blank cheques signed by him. The complainant has made use one of those cheque for encashment of Rs.8,00,000/- from the bank account of this applicant, which was dishonored by the bank

thereafter, false complaint has been lodged by the complainant alleging that this applicant had obtained Rs.8.00 Lakhs from him on the pretext that he will arrange appointment of the complainant in the government job. After coming to know about the dishonor of cheque on 26.08.2017, the applicant has also filed a complaint before the Court prior to the complaint filed by the complainant against him on 07.06.2017. Hence, it is submitted that the complainant has given this civil transaction a colour of criminal case against this applicant. Therefore, it is prayed that, the applicant may be released on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submission made in this respect.
4. Counsel for the complainant/objector submits that the story about loan transaction projected by the applicant is totally false, the applicant himself had entered into written agreement on 11.11.2014 agreeing that he is receiving amount from the complainant for the reason that he will arrange for his appointment to the government job. Copy of that agreement has been attached along with this objection. As the applicant could not arrange for the appointment of the complainant and has not refunded the amount taken by him, hence, the applicant may not be released on bail.
5. I have heard the learned counsel for the parties and perused the case diary and the documents.
6. Perused the copy of the complaint case. Considered on each and every aspect of the case, it appears that the cognizance has already been taken by the trial Court and the case is pending only for the reason that this applicant has not given his appearance

before the Court. Further it appears that that there is no requirement of the applicant to be placed in detention for the purpose of trial, hence for this reason this Court is inclined to release the applicant on anticipatory bail.

7. Accordingly, the anticipatory bail application is allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. The applicant shall also abide by the following conditions :

- (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that the 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 or to any police officer;
- (iii) that the 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge