

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRCA No. 653 of 2018

Rahul Gupta S/o Late S.B.Gupta, aged about 50 years, R/o D-10-B, Shriram Nagar, Phase-I, Gali No.6, Near T.V.Tower, Raipur, District Raipur (C.G.).

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Tarbahar, District Bilaspur (C.G.).

---- Respondent

For Applicant	:	Shri T.K.Jha, Advocate
For Respondent	:	Shri Chandresh Shrivastava, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy
Order on Board

06/07/2018

1. The present is an application filed under Section 438 of Cr.P.C. seeking for anticipatory bail to the applicant apprehending his arrest in connection with Crime No. 81/2017 registered at Police Station Tarbahar, District Bilaspur (C.G.) for the offence punishable under Sections 420, 467, 468, 471, 120-B, 34 of IPC.
2. The allegation against the present applicant is that, the present applicant is said to have given clone cheques to one Kamlesh who in turn had handed over to one Shiva Reddy who in turn had initially deposited the same in a bank account and got the amount encashed and thereafter when it was learnt that the cheques were fake, Shiva Reddy deposited back the entire amount withdrawn and thereafter an F.I.R. was lodged. Shiva Reddy and Kamlesh in between got arrested and in their memorandum statement, they have stated the role of the present applicant.
3. The counsel for the applicant submits that, against the present applicant, except for the memorandum statements of the co-accused persons Kamlesh and Shiva Reddy, there is no incriminating material collected during the course of investigation till date so as to attract the offence under Sections 420, 467, 468, 471 & 120-B of IPC

and thus prayed for granting the benefit of Anticipatory Bail to the present applicant.

4. The State counsel however opposing the bail application submits that, the present applicant is the prime accused person. It is he who had prepared the clone cheques and it is he who had handed it over to Kamlesh for further transaction, who in turn had forwarded it to Shiva Reddy. Thus, the present applicant is required for interrogation by the investigating agency and thus prayed for rejection of bail application.
5. Having heard the contentions put forth on either side and on perusal of record what clearly reflect is that, except for the memorandum statements of Kamlesh and Shiva Reddy, there does not appear to be any such incriminating material available with the prosecution in the case diary implicating him in the abovesaid offence.
6. Given the aforesaid facts and circumstances of the case this Court is of the opinion that present is a fit case where the applicant is entitled for benefit of Anticipatory Bail.
7. Accordingly, the application under Section 438 of Cr.P.C. is allowed.
8. The applicant is directed to ensure that he would be providing all the necessary co-operation to the investigating agency and he shall also appear before the concerned investigating agency as and when he has called.
9. Further it is directed that in the event of arrest of the present Applicant in connection with the aforesaid offence, he shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like amount to the satisfaction of the concerned arresting/investigating officer or the Court concerned, as the case may be, with the following terms and conditions:
 - (i) that the applicant shall make himself available for interrogation before the concerned 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.

Sd/-
(P. Sam Koshy)
Judge

Sumit