

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 705 of 2018

1. Smt. Sheela Rani Khanuja W/o Wd/o Late Avtar Singh Khanuja, Aged About 58 Years R/o Flat No. 206, Giriraj Tower, Sundar Nagar Raipur, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. Kalika Singh S/o S/o Late Avtar Singh Khanuja, Aged About 32 Years R/o Flat No. 206, Giriraj Tower, Sundar Nagar Raipur, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
3. Harshpal Singh S/o S/o Late Avtar Singh Khanuja, Aged About 30 Years R/o Flat No. 206, Giriraj Tower, Sundar Nagar Raipur, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
4. Baljeet Singh S/o S/o Late Avtar Singh Khanuja, Aged About 28 Years R/o Flat No. 206, Giriraj Tower, Sundar Nagar Raipur, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Purani Basti, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

For Applicants : Mr. Akhand Pratap Singh, Advocate.
For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

26/07/2018

1. The applicants have preferred this bail application under Section 438 of Cr.P.C. apprehending their arrest in connection with Crime

No.88/2018 registered at Police Station- Purani Basti, District – Raipur(C.G.), for the offence punishable under Sections 420, 467, 468, 471, 406, 384/389, 34 of the Indian Penal Code.

2. Learned counsel for applicants submits that applicants are innocent and have been falsely implicated in this case. The fact is this, that applicants are the owner of the shop regarding which a tenancy agreement was entered into between applicants and complainant Kanhaiya Lal Sahu. The agreement was executed on 25.7.2014, according to which the possession of the tenanted shop was handed over to the complainant and amount of Rs.1,70,000/- was received by the applicants in advance along with 4 cheques of Rs.50,000/- each in security. Later on, the complainant did not continue with the tenancy and vacated the premises after 3 months. As the complainant had damaged the tenanted premises, the applicants made of demand for compensation of the same which was not paid, because of which the security cheques were presented before the bank out of which 3 were honored and one dishonored. Subsequent to that the applicant No.1 filed a complaint under Section 138 of Negotiable Instruments Act before the concerned Court on coming to know about the filing of this complaint, the complainant has moved application under Section 156 (3) of CrPC on false grounds against the applicants alleging commission of offence by them. On that basis FIR has been lodged on 4.4.2018, hence, looking to the dispute between applicant and the complainant. No case is made out against these applicants. Hence, it is prayed that he may be enlarged on anticipatory bail.
3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that although the

agreement was entered into between the parties but the possession was not handed over to the complainant of the tenanted shop concerned and the applicants are making false claim of the amount received by them and the amount of the cheque dishonored by the bank, hence, no case is made out for grant of anticipatory bail.

4. Heard both the parties and perused the case diary.
5. The case against the applicants has been briefly discussed hereinabove, there appears to be a glimpse of civil nature in the case between the applicants and the complainant. After due consideration, I am of this opinion that this is a fit case where applicants should be enlarged on anticipatory bail.
6. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on their executing a personal bond in the sum of Rs.25,000/-each with one surety 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.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha