

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.4159 of 2018

Brijendra Bahadur Singh, S/o Suryabhan Singh, aged about 54 years, R/o House No.86/73, Surya Niwas, In front of Rishabh Enclave, Near Maharana Pratap Homeopathic College, New Rajendra Nagar, Raipur, District Raipur (C.G.)

---- Applicant

Versus

The State of Chhattisgarh, Through Police Station Gole Bazar, Raipur, District Raipur (C.G.)

---- Non-applicant

For Applicant:	Mr. Malay Kumar Bhaduri, Advocate.
For Non-applicant:	Mr. Vivek Sharma, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

14/06/2018

1. With the consent of parties, the matter is heard finally.
2. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.225/2017, registered at Police Station Gole Bazaar, Raipur, Distt. Raipur, for the offence punishable under Sections 420, 467, 468, 471 and 120B of the IPC.
3. Case of the prosecution, in brief, is that the applicant is allegedly to have opened a forged account in the name of complainant Rajendra Mishra and got deposited the insurance claim to the extent of ₹ 77,487/- and withdrawn that amount and thereby committed the offence.
4. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the

case. He further submits that Rajendra Mishra made FIR No.999/2016 on 30-10-2016 at Police Station Supela, Distt. Durg against Vaibhav Deshmukh in which he clearly averred that the applicant in his forged signature has withdrawn the insurance claim from the bank and his vehicle was allegedly sold by Vaibhav Deshmukh to the applicant and in that case, charge-sheet was filed which has been compounded by Rajendra Mishra on 22-2-2017 and Vaibhav Deshmukh was discharged in the aforesaid offence, as such, Rajendra Mishra was clearly aware of the said FIR which he has consciously compounded. In the meanwhile, on 13-7-2017, he has again made complaint in Police Station Gol Bazaar, Raipur with the allegation that a forged account has been opened in the name of the complainant and amount has been deposited and that has been withdrawn by the applicant which creates doubt on the credibility of the complainant, as such, there is deliberate delay in lodging the FIR. The applicant has been arrested on 31-5-2018, he is languishing in jail and his daughter is to be engaged on 20-6-2018.

5. On the other hand, learned State counsel opposes the application and submits that the applicant has opened a forged account in the name of the complainant and got transferred the amount and withdrawn the amount by making forged signature, as such, the investigation is in progress and therefore the applicant is not entitled for grant of bail.
6. I have heard learned counsel for the parties and perused the case diary.
7. The fact remains that complainant Rajendra Mishra lodged FIR No.999/2016 on 30-10-2016 for the offence under Sections 406 and

420 of the IPC in which he clearly averred the opening of forged account in the name of the complainant and also stated withdrawal of the amount on the forged signature of Rajendra Mishra which the complainant compounded with the leave of the Court by order dated 22-2-2017 and thereafter, this instant complaint has been made on 13-7-2017. Considering the facts and circumstances of the case, nature and gravity of offence, considering the fact that and one case lodged by complainant Rajendra Mishra has already been compounded and the FIR was lodged on 13-7-2017, the applicant is in custody since 31-5-2018 and also considering the fact that second complaint has been lodged in different Police Station at Gol Bazaar, Raipur, I am of the view that it is a fit case to enlarge the applicant on regular bail. Accordingly, the application is allowed.

8. It is, therefore, directed that the applicant be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Vacation Judge