

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5008 of 2018

- Navneet Kumar Sharma S/o Late R.M. Sharma, Aged About 41 Years, R/o 11, Sector -2, Devendra Nagar, Raipur, Tahsil & District Raipur Chhattisgarh. Mob. No. 9009519999, District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Devendra Nagar, Raipur, Tahsil & District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

----Non-applicant

For Applicant – Mr. Goutam Khetrapal and Ms. Madhu Nisha Singh, Advocates.
For Non-applicant/State – Mr. N.K. Mehta, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

17-07-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 27-06-2018 in connection with Crime No.130/2018 registered at P.S. - Devendra Nagar, Raipur, District Raipur, Chhattisgarh for the offence under Section 420 of the IPC.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 27-06-2018. No case is made out against him. The fact of this case is this, that because of some dispute regarding transaction between the applicant and the complainant, the complainant with the help of others forced this applicant to sign and deliver four cheques of Bank Account, which belonged to Jyotsna Sharma, wife of this applicant. A written complaint was immediately given to the police station on 18-02-2018 regarding this incident. The complainant knowing well that the cheques were issued from the account not belonging to this applicant, presented the same for encashment before the bank on 19-05-2018, which was dishonoured and then he has sent a legal notice to this applicant under

the provisions of the Negotiable Instruments Act. Hence, the dispute between the applicant and the complainant is of civil nature. Hence, it is prayed that this applicant may be released on regular bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the complainant has immediately filed a written complaint on 20-02-2018 to the police station stating that this applicant had issued the cheques in his signature from the cheque book of account belonging to his wife and has committed fraud by cheating the complainant. Hence, no case is made out for grant of bail to the applicant.

4. Heard learned counsel for the parties and perused the case diary.

5. The allegation against this applicant is this that, this applicant had committed some defalcation, on account of which he willingly gave four cheques each of Rs.10 lacs to the complainant to make good the loss caused to the complainant. The cheques were when presented in bank for encashment the complainant came to know of this fact that the cheques were issued from the account of one Jyotna Sharma and that have been signed by the applicant. Hence, the offence has been registered against this applicant.

6. Considered on the material present in the case diary also considered on the documents submitted by the counsel for the applicant and the fact that this applicant had immediately filed a written complaint in police station after issuance of the said disputed cheques is not denied at this stage, hence, after due consideration, I am of this opinion that this applicant should be granted regular bail.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall 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.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Aadil