

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 273 of 2017**

Hrishi Dubey @ Harishi Dubey, S/o. Tilak Dubey, Aged About 22 Years,
R/o. Street Dafai Haldibadi, Police Station -Chirmiri, District- Koriya,
Chhattisgarh.

----Applicant

Versus

State of Chhattisgarh, Through : Station House Officer, Police Station-
Chirmiri, District- Koriya, Chhattisgarh,

---- Respondent

For Applicant	: Mr. Awadh Tripathi, Advocate
For Respondent/State	: Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****18/01/2018**

1. Apprehending arrest in connection with Crime No.74/2015, registered at Police Station – Chirmiri, District – Korea (C.G.) for offence punishable under Section 420, 467, 468, 471/34 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. It is submitted that charge-sheet has been filed in absconsion of this applicant and the case has been registered as Criminal Case No. 151/2015 and the only allegation against this applicant is that the main accused in this case has by a forged cheque purportedly issued by the

complainant Deepnarayan Narayan Tripathi has deposited Rs.10,000/- in the account of this applicant. Applicant has played no role in the said act of forgery and cheating. Therefore, it is prayed that the applicant may be benefited with grant of anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submission made in this respect. It is submitted that the applicant had been collaborator of the main accused and he has remained absconding all the time and when the trial of the main accused is completed, the applicant has come before the Court after seeing that co-accused in this case has been acquitted by the trial Court, hence, this applicant had been waiting for favorable situation, hence, he is not entitled for grant of anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents.
5. The brief facts of the case are these that the main accused Shashi Dubey was working as Manager of the complainant – Deepnarayan Tripathi and was in possession of cheque book of the account of the complainant in Central Bank, Branch- Chirmiri. It is alleged that the main accused forged some cheques to withdraw Rs.1,83,000/- from the account of the complainant on various occasions and on one occasion, he used one forged cheque to deposit Rs.10,000/- in the account of this applicant
6. Considered the submissions made and the contents of the case diary. Looking o the evidence i.e. proposed against this applicant for his prosecution, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.

7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. 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