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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1140 of 2018

- Shiv Kumar Verma S/o Late Mataru Ram, Aged About 42 Years, Caste- Rajak, R/o- Ward No.27, Godaripara, Chirmiri, District- Koriya, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- S.H.O., P.S. Chirmiri, District- Koriya, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Non-applicant

For Applicant – Shri Shakti Raj Sinha, Advocate.

For Non-applicant/State – Shri Anupam Dubey, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

26-09-2018

1. Apprehending arrest in connection with Crime No.120/2018, registered at Police Station – Chirmiri, District- Koriya, Chhattisgarh for offence punishable under Section 420, 34 of the IPC, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant had in fact lent Rs.2,50,000/- to the husband of the complainant Reena Dey regarding which about 10 cheques were obtained in security by the applicant, but the same has been returned to the complainant after return of the money lent. Subsequent to that the co-accused has presented the cheque in the bank which has bounced. On that basis the husband of the complainant was prosecuted and punished by the Court, because of which, the false FIR has been lodged against this applicant for the offence which he has not committed. Hence, it is prayed that the applicant may be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application.
4. Heard learned counsel for the parties and perused the case diary.
5. The FIR has been lodged by complainant Reena Dey alleging that the

money transaction between her husband and this applicant is now complete after refund of the borrowed amount, but even then the cheques that were supplied to the applicant have not been returned back and are being misused by the applicant and co-accused person. Hence, this case.

6. According to the case diary, it has appeared that this applicant was not the person who has presented the disputed cheque in the bank for payment which has been dishonoured. Hence, after due consideration, I feel inclined to allow this application.

7. Accordingly, the anticipatory bail application is allowed. 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge