

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1320 of 2018**

Smt. Manisha @ Khavahesh Bajaj, W/o. Sagar Bajaj, Aged About 25 Years, R/o. 102, Anant City, Purana Bus Stand, Korba, Chhattisgarh. Mo.No.-6260107713.

----Applicant

Versus

State Of Chhattisgarh, Through : The Station House Officer, Police Station Civil Line Raipur, District Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mrs. Anju Ahuja, Advocate

For Respondent/State : Mr. Anil S. Pandey, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****29/10/2018**

1. Apprehending arrest in connection with Crime No. 556/2018, registered at Police Station – Civil Line Raipur, District – Raipur (C.G.) for offence punishable under Section 420, 409, 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 she is proprietor of R.S. Mobile in Raipur but the same shop is managed and controlled of her husband Sagar Bajaj. The bank accounts stands in the name of this applicant because of which on asking of her husband, the applicant had signed and issued cheques to various persons and she is not engaged with commission of offence, if any, that has been committed in this case. The concerned persons to whom the cheques were issued

have compromised and have given affidavits before the Court below, which were not taken into consideration. The submission of affidavits finds mention in the order of the Court below. Apart from that, it was a case to be prosecuted under Section 138 of the Negotiable Instrument Act. Therefore, it is prayed the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that the cheques were issued of amount in total of above Rs.1.00 crore and all the cheques have bounced, which clearly shows the intention of the applicant to cheat from very beginning, hence, no case is made out for grant of anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. The applicant is proprietor of R.S. Mobile and for which purchases were made by R.S. Mobile from various concern, 16 cheques of worth more than Rs.1.00 crore were issued. All the cheques were dishonored by the Bank because of which, the aggrieved persons lodged the FIR.
6. Considered the submissions made and the contents of the case diary. After due consideration on all the material present in the case diary and considering this fact that in this case prosecution under Section 138 of N.I. Act was also available option for the complainant in this case, hence, after due consideration, 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, she shall be released on bail by the officer arresting her 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 herself 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 her by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge