

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1355 of 2018

- Suraj Thakur S/o Shri Prahlad Singh Thakur aged about 34 Years R/o Ward No. 12, Mandi Road Bagbahra, Thana And Tahsil- Bagbahra, Civil and Revenue District- Mahasamund, Chhattisgarh.

---- Applicant

Versus

1. Chunnilal Daharwal S/o Chintaram Daharwal aged about 50 Years Occupation- Govt. Service Posted As Assistant Revenue Inspector, Nagar Panchayat Bagbahra, R/o Ward No. 13, Bagbahra, Thana and Tahsil- Bagbahra, Civil and Revenue District- Mahasamund, Chhattisgarh.
2. State of Chhattisgarh Through District Magistrate Mahasamund, Civil and Revenue District- Mahasamund, Chhattisgarh.

---- Respondents

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MCRCA No. 1367 of 2018

- Suraj Thakur S/o Shri Prahlad Singh Thakur aged about 34 Years R/o Ward No. 12 Mandi Road Bagbahara, Civil and Revenue District Mahasamund Chhattisgarh, District : Mahasamund, Chhattisgarh

---- Applicant

Versus

- Chunnilal Daharwal S/o Chintaram Daharwal aged about 50 Years Occupation Govt. Service Posted As Assistant Revenue Inspector, Nagar Panchayat Bagbahara, R/o Ward No. 13 Bagbahara, Thana And Tahsil Bagbahara, Civil and Revenue District Mahasamund Chhattisgarh.
- State Of Chhattisgarh Through District Magistrate Mahasamund Civil

and Revenue District Mahasamund Chhattisgarh, District :
Mahasamund, Chhattisgarh

---- Respondent

For Applicant : Mr. Sunil Sahu, Advocate.
For Respondent/State: Mr. Anant Bajpai, Panel Lawyer.
For Objector : Mrs. Madhunisha Singh, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

14/12/2018

1. Applicant in both the cases has preferred these applications for grant of anticipatory bail as he apprehend his arrest in connection with Criminal Complaint Case No.1087/2018 in MCRCA No.1355 and Criminal Complaint Case No.1088/2018 in MCRCA No.1367/2018 pending before the Court of JMFC, Mahasamund for the offence punishable under Sections 420, 467, 468, 471 of Indian Penal Code (for short 'IPC').
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. The complainant has infact to create a defence in the case against him has brought this false complaint against this applicant which has been filed subsequent to the registration and cognizance in the complaint filed by this applicant against the complainant under the provision of 138 of Negotiable Instruments Act, therefore, it is prayed that applicant be granted anticipatory bail.
3. Learned counsel for respondent No.1/complainant opposes the application and submits that serious allegations of fraud, forgery and cheating have been made against the applicant, therefore, he is not

entitled for grant of anticipatory bail.

4. Learned State counsel makes formal objection in this respect.
5. Heard both the parties and perused the case diary.
6. Written complaint has been given before the Court below making allegation that the applicant fraudulently obtained a cheque, in which, signature of the complainant was forged for the purpose of making withdrawal from the bank of the complainant and the same was dishonored by the bank because of which complainant is facing a case under Section 138 of Negotiable Instruments Act.
7. Considered on the rival submissions and considering this fact that the complaint against the applicant has been brought subsequent to the proceeding against the complainant under the provisions of 138 of Negotiable Instruments Act. For this reason, I feel inclined to grant anticipatory bail to this applicant.
8. Accordingly, the anticipatory bail applications of applicant are allowed and it is directed that in the event of his arrest in connection with the aforesaid offence, he shall be released on bail by the officer arresting him 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 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 them 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha