

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1478 of 2018

1. Narendra Kumar Sahu S/o Sevaram Sahu Aged About 35 Years R/o Indira Nagar, Utai, Ward No. 01, P. S. Utai, Tehsil And District Durg Chhattisgarh, District : Durg, Chhattisgarh
2. Premin Sahu W/o Narendra Kumar Sahu Aged About 31 Years R/o Indira Nagar, Utai, Ward No. 01, P. S. Utai, Tehsil And District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through District Magistrate Durg District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Respondent

For Applicants	:	Mr. Jaydeep Singh Yadav, Advocate.
For Respondent	:	Mr. Avinash K. Mishra, Panel Lawyer.
For Objector	:	None appears for the Objector even when the case is called out for hearing in the 3 rd round.

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

12/12/2018

1. The applicants have preferred this bail application under Section 438 of Cr.P.C. apprehending their arrest in connection with Crime No.322/2018 registered at Police Station-Utai, District – Durg(C.G.), for the offence punishable under Sections 192, 193, 420, 467, 468, 471/34 of the Indian Penal Code (for short 'IPC').
2. Learned counsel for applicants submits that applicants are innocent and have been falsely implicated in this case. No case is made out

against them according to the complaint made and the evidence present in the case diary. It is a fact that the complainant had borrowed Rs.70,000/- from the applicants and towards security of said amount had given a cheque of Rs.80,425/- which includes the amount of interest also. As the complainant did not return the amount borrowed by him, therefore, the applicant presented the said cheque with his banker for encashment but the same has been dishonoured. Thereafter, a totally false complaint has been filed by the complainant to avoid his liabilities. Hence, it is prayed that they may be enlarged on anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that it is a clear case of fraud, forgery and cheating, therefore, application is liable to be rejected.
4. Heard both the parties and perused the case diary.
5. According to the case against these applicants, the complainant had borrowed Rs.75,000/- from applicant No.1 for the purpose of his business and handed over them a cheque of Rs.80,425/- as security, which included the interest amount also. After making the payment of Rs.76,000/- to the applicant No.1, the complainant asked for return of said cheque, but instead of returning the said cheque to the complainant the applicants have presented said cheque in the bank for encashment after adding name of applicant No.2 in it, which was dishonored by the bank and thereafter the complaint has been made.
6. Considered on the material present in the case diary, it appears that there has been money transaction between the applicants and the complainant and it is not denied by the complainant that he had given

cheque to the applicants towards security. Therefore, I am of this view that this is a fit case where the applicants should be enlarged on anticipatory bail.

7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on their executing a personal bond in the sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :

- (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that the applicants 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 applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge