**NAFR**

# HIGH COURT OF CHHATTISGARH, BILASPUR

**MCRCA No. 130 of 2019**

- Imran Khan S/o G.P. Khan, Aged About 35 Years, R/o Gokul Nagar, Kharmora, Tehsil And District Korba Chhattisgarh., District : Korba, Chhattisgarh

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through Rampur Police Chouki Police Station Kotwali , District Korba Chhattisgarh., District : Korba, Chhattisgarh

**---- Non-applicant**

**MCRCA No. 145 of 2019**

- Ali Akbar S/o Late J. Akbar, Aged About 35 Years, R/o House No. 7/F, Behind District Jail, Housing Board Colony, Korba, Tahsil and District Korba Chhattisgarh, District : Korba, Chhattisgarh

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through P.S. Kotwali, District Korba Chhattisgarh, District : Korba, Chhattisgarh

**---- Non-applicant**

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For Applicant– Shri Ashutosh Singh Kachwaha, Advocate (in MCRCA No.130/2019).
Shri Adil Minhaj, Advocate (in MCRCA No.145/2019).
For Non-applicant/State – Shri Rahim Ubwani, Panel Lawyer.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**
**Order on Board**

**15-02-2019**

1. As both these applications arise out of the same crime number, they are being decided by this common order.

2. These applications have been filed by the applicants for grant of anticipatory bail as they are apprehending arrest in connection with Crime No.964/2018, registered at Police Station - Rampur Police Chouki, Police Station Kotwali, District Korba, Chhattisgarh for the offence punishable under Section 384, 467, 471, 341, 34 of the IPC.

3. It is submitted on behalf of the applicants that these applicants have been falsely implicated in these cases. No case is made out against them. Complainant Somen Vishwas had borrowed Rs. 8,00,000/- from applicant Imran Khan (applicant in MCRCA No.130 of 2019) and Rs.8,00,000/- from

applicant Ali Akbar (applicant in MCRCA No.145 of 2019) in the month of Januaray, 2018 for cultivating watermelons. The transaction was oral having faith on the parties. However, Somen Vishwas has not honoured his promise, because of which, a complaint was given to the police. On continued insistence of the applicants cheques were issued in favour of the applicants by Somen Vishwas and his wife complainant Kanika Vishwas in the month of October, 2018. The cheques then presented for payment in the bank and they were dishonoured. The applicants have filed a complaint to the police on 02-11-2018 which was received on 03-11-2018 in the S.P. Office and subsequently legal notice was also sent to Somen Vishwas dated 13-12-2018 and complainant Kanika Vishwas dated 15-11-2018. Reply was given to the notice of Imran Khan by Somen Vishwas dated 22-12-2018 making various allegations and denying the liability and similar reply was given by complainant Kanika Vishwas making various allegations denying the liability to applicant Ali Akbar and subsequent to this incident in a pre-designed manner the FIR has been lodged on 25-12-2018 which is for the simple reason that the complainant and her husband want to avoid the liability and implicate these applicants in the false cases. Therefore, it is prayed that these applicants may be benefited with grant of anticipatory bail.

4. Learned counsel for the State/non-applicant opposes the applications and submits that story in the complaint is totally different, according to which, these applicants have obtained cheques for the sale transaction in the month of February 2018 which has been forged and tampered and presented before the bank and a totally the false case has been made up to claim that there had been money transaction between the applicants and the complainants. Therefore, the applications may be rejected.

5. Heard learned counsel for the parties and perused the case diary.

6. According to the FIR lodged by Kanika Vishwas that applicant Ali Akbar

is the land broker, through whom a land was purchased on 20-02-2018 by the complainant. The complainant had given a cheque of Rs.4,00,000/- signed by her which was supposed to be withdrawn by applicant Ali Akbar in the name of Champabai which has been forged and manipulated by the applicants in both the cases and presented before the bank which has been dishonoured. Thereafter, the applicants continuously are pressurizing the complainant and her husband making illegal demand of money. Hence, the FIR has been lodged.

7. Considered on the entire material present in the case diary and also perused all the documents that have been attached with the applications in both the cases, including the complaint filed by the applicants before the S.P. Korba, copy of the cheques purported to be issued by complainant Somen Vishwas and Kanika Vishwas which have been dishonoured, registered legal notice along with the reply, hence, on this basis it appears that both the applicants have a defendable case. Hence, I am of this opinion that they deserve to be benefited with grant of anticipatory bail.

8. Accordingly, the anticipatory bail applications are allowed. It is directed that in the event of arrest of these applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on each of them 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. These applicants shall also abide by the following conditions :

(i) that they shall make themselves available for interrogation before the investigating officer as and when required;

(ii) that they 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 they shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) that they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

9. Certified copy as per rules.

Sd/-
**(Rajendra Chandra Singh Samant)**
**Judge**

Aadil