

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 266 of 2019**

Anish Sharma S/o Shri Sukhdev Sharma Aged About 27 Years R/o Plot No. 246, Laxmi Nagar, Risali, P. S. Newai, Tehsil And District Durg Chhattisgarh, District : Durg, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station City Kotwali, District Durg Chhattisgarh, District : Durg, Chhattisgarh.

---- Respondent

For the Applicant : Shri B.P. Singh, Advocate.
For the Respondent/State : Shri I. Lakra, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****05.03.2019**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.

2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 59 of 2018, registered at Police Station – City Kotwali, District Durg, Chhattisgarh for the offence punishable under Sections 420, 467, 468 and 471 of the Indian Penal Code.

3. It is submitted by counsel for the applicant that the applicant is innocent and has been falsely implicated in this case. The actual fact of this incident is this that the applicant had borrowed Rs.2,00,000/- from the complainant

and in security of the same, he had given three blank cheques, blank stamp paper signed by him alongwith promissory note. Later on, the brother of this applicant had made repayment of the amount borrowed by this applicant through cheque, but the complainant preferred cash because of which, cash was paid to him, however, he did not return the cheques. For that reason, a complaint was given in police station on 12.5.2017 and the complainant has also filed a case under Section 138 of the Negotiable Instruments Act against the brother of the applicant and thereafter, to create pressure he has misused the blank stamp papers by preparing forged agreement to sale, which had never taken place. Hence, it is prayed that the applicant be enlarged on anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that there is no such material in the case-diary to support his claim. On the contrary, there is evidence present to show that the applicant committed the offences as registered against him. Hence, no case is made out for grant of anticipatory bail.

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

6. FIR has been lodged by complainant – Santosh Tiwari alleging that on 20.7.2016 this applicant entered into an agreement with the complainant for sale of a property value at Rs.15,00,000/-. The applicant received an advance of Rs.8.00,000/- from the complainant. Later on, when the complainant made enquiry from revenue records, he came to know that the

subject matter of the property was not under the ownership and entitlement of the applicant. Therefore, FIR has been lodged.

7. All the grounds taken by the applicant do not seem to be directly connected with the alleged commission of offence in this case and on perusing the material present in the case-diary, I am of the considered view that this is not a fit case to release the applicant on anticipatory bail.

8. Accordingly, the anticipatory bail application of the applicant filed under Section 438 of the Cr.P.C. is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge