

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1266 of 2019

- Sharad Jain S/o Late Mahendra Jain Aged About 43 Years R/o Beladula, Police Station Chakradhar Nagar, Raigarh, Tahsil And District Raigarh Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Chakradhar Nagar, Raigarh, District Raigarh Chhattisgarh.

---- Respondent

For Applicant : Mr. Hari Agrawal, Advocate.

For Respondent/State : Mr. Shubham Verma, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

15/10/2019

1. The applicant has filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending his arrest in connection with crime no. 209/2019, registered at Police Station Chakradhar Nagar, Distt. Raigarh, Chhattisgarh for the offence punishable under Sections 384, 385, 294 & 506 of the IPC and Section 4 of the Debtors Act, 1937.
2. As per prosecution story, one Chandrakanti Vishwakarma had filed a written report in police station alleging therein that the applicant has mentally harassing her for the past four years and take out her entire

salary which she gets from her job in a private school and verbally abused her and threatened her to file false case of cheque bounce against her. On the basis of said report, offence has been registered.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated by the complainant in the present case. He further submits that wife of the applicant namely Meena Yadav previously known the complainant. In the year 2018, the complainant took a loan of Rs. 90,000/- from Meena Yadav and the applicant for treatment of her son and when the applicant asked for returning his money then the complainant issued a cheque of Rs. 90,000/- which was ultimately dishonored. Accordingly, a complaint under Section 138 of NI Act has also been filed by the wife of the applicant which is pending before Court. Thereafter, the complainant, to save herself and as a counter blast lodged a false complaint against the applicant. *Prima Facie* no case can be made out against the applicant.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and further considering the fact that initially there was a complaint case has been filed against the complainant by the wife of the applicant. Without further commenting on merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicant.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the officer arresting

him and he shall abide by all the following terms and conditions:-

- I. That the accused/applicant shall made himself available for interrogation before the concerned Investigating Officer as and when required;
- II. The accused/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. The accused/applicant shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
- IV. 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/-

(Arvind Singh Chandel)
Judge