

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1411 of 2019**

- Shri Rev. Dr. Rai Mosa Matai S/o Shri Mosa Matai Aged About 50 Years R/o Ward No. 63, Imlibhatha, Mahasamund, Tahsil and District Mahasamund, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Arang, District Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Shri Aman Yadav on behalf of Shri B.P. Singh, Advocates.
For Respondent/State	: Ms. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****22/11/2019**

1. The applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 460/2019 registered at Police Station Arang, District – Raipur, (C.G.). for the offence punishable under Section 420 of Indian Penal Code.
2. As per the prosecution story, applicant is the Director/Chairman of Light of Educational Welfare Society and said Society runs Jeevan Jyoti English Medium School at Indira Chowk since 2007-08 and English Medium School at Palari, Balodabazar since 2011. Applicant had given Jeevan Jyoti English Medium School on rent to the complainant Vivek Philip for a period of five years and one agreement to this effect was executed on 29.06.2017. On 20.07.2019, Vivek Philip lodged a complaint before the police station alleging therein that

applicant had obtained duplicate passbook and cheque book in respect of account no. 7387000100047865 which is in the name of Jeevan Jyoti English Medium High School, Arang and thereby committed cheating with the complainant. On the basis of the said, offence has been registered.

3. Learned Counsel appearing for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. *Prima facie*, no offence under Section 420 of I.P.C. can be made out against present applicant. He further submits that complainant had not given the rent till June, 2018, total to the tune of Rs. 12,52,950/- to the applicant, therefore, the applicant sent registered legal notice to the complainant, thereafter instituted a civil suit for recovery of aforesaid rent amount. It is further submitted that complainant had given two cheques to the applicant to the tune of Rs. 4,00,000/-, which got dishonoured, on account of which, the applicant sent legal demand notice to the complainant and then filed the complaint case for dishonour of cheques against the complainant. The applicant also made written complaint against complainant on 31.07.2019, thereafter complainant filed this present complaint against applicant. It is further submitted that vide order dated 24.06.2019 annexed as A-7, it has been informed by Branch Manager of Punjab National Bank, Arang that by mistake they have issued passbook and cheque book to the present applicant and those passbook and cheque book were returned by the applicant to the bank. Also, applicant has not mis-used those passbook and cheque book in any manner. Thus, in the light of above also, no case is made out against present applicant. Therefore, it is prayed that applicant may be granted the benefit of anticipatory bail.
4. Learned Counsel appearing for the State oppose the bail application.
5. I have heard learned Counsel appearing for the parties and perused the material available with due care.
6. Taking into consideration the submissions put-forth on behalf of the

parties, considering the facts and circumstances of the case, evidence collected by the prosecution and further considering the fact that though passbook and cheque book were issued to the applicant but he had already returned those to the bank and as informed by the bank, applicant has not mis-used the passbook or cheque book, therefore, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present Applicant.

7. Accordingly, the bail application is allowed.
8. It is directed that in the event of arrest of the applicant in connection with the aforesaid crime, he shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. He shall also abide by all the following terms and conditions :
 - (i) He 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 from disclosing such fact to the Court,
 - (ii) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - (iii) He 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