

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1646 of 2019**

Bhupendra Joshi S/o Late Jashwant Ray Joshi Aged About 28 Years R/o Village Sutupali, Tahsil And Police Station Pusour, District - Raigarh Chhattisgarh.

---- Applicant**Versus**

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

---- Respondent

For the Applicant : Shri R. Pradhan, Advocate.
For the Respondent/State : Shri Adil Minhaj, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****27.11.2019**

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

2. This is a repeat 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. 79 of 2019, registered at Police Station – Pusour, District – Raigarh, Chhattisgarh for the offences punishable under Section 420/ 34 of the Indian Penal Code. The earlier bail application was dismissed as withdrawn on 18.7.2019 in M.Cr.C.(A) No. 884 of 2019 and a direction was also issued by this Court to the applicant to surrender and apply for regular bail before the Court below. Without compliance of that order, this repeat bail application has been filed.

3. It is submitted by counsel for the applicant that he has filed the documents regarding deposits of the complainant and the account statement which do not show any withdrawal made in favour of the applicant. This discloses all the transactions made. This applicant has never transacted on behalf of the complainant or presented any cheque for payment to any person. The allegation that the applicant was clearing his own debts regarding digging of a borewell is baseless as the applicant is not in possession and ownership of any land. The police has not fairly investigated the case and the documents which are in favour of the applicant have not been seized and enquired. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that there is direct evidence against the applicant by the complainant themselves that this applicant had obtained signed blank cheques and made use of the same to make use of the cheques for clearing his own debts. Hence, for these reasons, the applicant is not entitled for grant of anticipatory bail.

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

6. According to the prosecution case, the complainants were received compensation for the injuries of electrocution which was deposited in the bank. The applicant had obtained the blank cheques from them about three years prior to lodging of FIR and has misappropriated the amount withdrawn. On investigation, it was found that the cheques were used by the applicant

for clearing his own debts. The persons who received the cheque amount have also made the statement.

7. Considering the submissions and the contents of the case-diary, I do not feel inclined to grant anticipatory bail to the applicant.

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

Sd/-

(Rajendra Chandra Singh Samant)
Judge