

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1444 of 2018**

Shrikant Soni S/o Satyendra Kumar Soni Aged About 29 Years Prop.
Shobhashri Jewellers, R/o Near Kadambi Chowk, Sader Road,
Ambikapur, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur),
Chhattisgarh.

---- Applicant**Versus**

1. State Of Chhattisgarh Through The District- Magistrate, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
2. Akshay Kumar Rajwanshi S/o Late Mulchand Rajwanshi Aged About 47 Years R/o C-Block, Rawat Residency, Manendragarh Road, Ambikapur, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Respondent

For the Applicant	:	Shri Rakesh Thakur, Advocate.
For the Respondent/State	:	Shri Lav Sharma, P.L.
For the Complainant	:	Shri Sushil Dubey, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****14.01.2019**

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 Complaint Case No. 87 of 2014 pending before the Court of Judicial Magistrate First Class, Ambikapur for trial in the offence under Section 138 of the Negotiable Instruments Act, 1881.

3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. Although the offence under Section 138 of the Negotiable Instruments Act is bailable but the applicant has the apprehension of being arrested for the reason that without proper service of notice and bailable warrant, the Court below has issued non-bailable warrant against the applicant. Hence, it is prayed that the application be allowed and the applicant be enlarged on anticipatory bail.

4. Learned State counsel makes formal objection.

5. Learned counsel for the complainant/ respondent No.2 submits that the applicant had been successfully avoiding the service of process upon him for a long time because of which, the case against him is pending since more than 4 years. Therefore, no case is made out for grant of anticipatory bail to the applicant.

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

7. As the offence under Section 138 of the Negotiable Instruments Act is bailable, the applicant is directed to give his appearance before the trial Court and make a prayer for grant of regular bail.

8. With this observation, the application is disposed off. The applicant is directed to appear before the trial Court on **21.1.2019**.

Sd/-
(Rajendra Chandra Singh Samant)
Judge