

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No.124 of 2020

- Pankaj Tekriwal, S/o Shri Narayan Prasad Tekriwal, Aged About 42 Years, R/o M.I.G. 21, Indravati Colony, Raipur, District Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through Police Station Khamardih, Shakarnagar, District Raipur, Chhattisgarh

---- Respondent

For Applicant	Shri Saurabh Dangi, Advocate
For Respondent-State	Shri K. K. Singh, GA
For Objector	Shri Kashif Shakeel, Advocate

Hon'ble Justice Mr. Prashant Kumar Mishra

Order On Board

16/06/2020

1. The applicant has preferred this bail application under Section 438 of CrPC, as he is apprehending his arrest in connection with Crime No.50/2019, registered at Police Station Khamardih, Shankarnagar, District Raipur (C.G.), for the offence punishable under Section 420 read with Section 34 of IPC.
2. The applicant Pankaj Tekriwal is one of the director of M/s Hi-Tech Abrasives Limited. The firm purchased sponge iron amounting to Rs.89,69,796/- from the complainant Naresh Adani, however, payment was not made by the applicant and the co-accused persons.
3. Shri Kashif Shakeel, learned counsel for the objector, would submit that by way of security for payment of the dues, the applicant had issued two cheques with stipulation that the same can be presented for

encashment only after seeking consent from the applicant, however, he is neither paying amount nor allowing encashment of the cheques. Per contra, Shri Dangi, learned counsel for the applicant, would submit that these cheques were issued for a different transaction and not in relation to the present transaction.

4. Learned State counsel would oppose the prayer for grant of bail.
5. Considering the fact that the Trial Court has already allowed benefit of anticipatory bail to Vinod Bajoriya and Shakuntaladevi Tekriwal and for the fact that the dispute appears to be arising out of supply of goods, it appears that the present applicant is also entitled to be released on anticipatory bail. If the complainant desires, he can present the cheques for encashment and proceed under the applicable provisions under the Negotiable Instrument Act, 1881 if the cheques are dishonored.
6. Accordingly, the bail application is allowed and it is directed that in the event of arrest of the applicant, he shall be released on anticipatory bail on his executing a personal bond for a sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the Arresting Officer with the following conditions:-
 - (i) he shall make himself available for interrogation by a police officer as and when required.
 - (ii) 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 facts to the Court or to any police officer.

Sd/-
Prashant Kumar Mishra
Judge