

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No.159 of 2020

Vinod Khemani, S/o Late Jisharam Khemani, Aged About 42 Years
Resident Of Gali No.4, Ravigram, Telibandha, Raipur, Tahsil And District
Raipur Chhattisgarh **---- Applicant**

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station
Telibandha, Raipur Chhattisgarh **---- Respondent**

For Applicant	:	Mr. B.D. Guru, Advocate.
For Respondent/State	:	Mr. Mateen Siddiqui, Dy. A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

16/06/2020

Heard.

1. The applicant is apprehending his arrest in connection with Crime No.401/2019 registered at police station – Telibandha Raipur (C.G.) for alleged commission of offence under Section 420, 467, 468, 471, 120-B of IPC.
2. The allegation against the applicant is that with the applicant, complainant has invested money on the assurance that the complainant would be benefited by regular payment of interest. It is alleged that though for certain period, interest was paid, later on, interest was not paid and upon enquiry made, complainant came to know that there are discrepancy in signature in the cheque and promissory note. It has also been reported that the applicant and his brother has taken money not only from the complainant but from number of persons and in this manner, by playing fraud and cheating, the applicant collected huge amount.
3. Learned counsel for the applicant submits that present is only a business transaction involving civil dispute because even according to complainant, the money was deposited with the accused as investment so that complainant may earn regular interest. Complainant himself states that he was

paid interest for sometime. It is also submitted that after lodging of FIR on 21.06.2019, the parties have also entered into compromise on 26.08.2019.

4. Learned State counsel submits that present applicant and his brother has collected huge amount from different person in similar manner and interest was either not paid or paid for sometime and stopped. He further submits that during investigation, material with regard to discrepancy in the signatures in the promissory note and cheque have also been found and present appears to be a case of fraud committed by the applicant and his brother not only against the complainant of the present case but against large number of investors.

5. Having considered the submissions of learned counsel for the parties, upon prima facie considerations, it is a case where even according to complainant, he had invested money with the applicant for earning interest. According to the complainant, interest was paid for sometimes but later on, it was discontinued, which gave rise to dispute. Therefore, submission of learned counsel for the applicant that present appears to be a dispute of civil nature requires serious consideration. A copy of agreement entered into between the complainant and the present applicant and co-accused on 26.08.2019 has also been filed. On this, learned State counsel could not raise any substantial dispute though he states that this compromise application was not brought to the notice of learned Court below and it, itself, is a subject matter of enquiry. Therefore, taking into consideration, all these material placed before this Court, present is a fit case for grant of anticipatory bail. Accordingly, the application is allowed.

6. Accordingly, it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the arresting officer and the applicant shall abide by all the following terms and conditions -

- (i) that the applicant shall fully cooperate with the investigation authority;
- (ii) that the applicant shall not tamper or in any manner adversely affect the progress of investigation.
- (iii) that the applicant will have to appear before the Police authority as and when directed without fail;
- (iv) that the applicant shall make himself available for interrogation by a

Police Officer as and when required;

(v) that 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 from disclosing such facts to the Court or to any Police Officer.

(vi) that applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(vii) that applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-

(Manindra Mohan Shrivastava)

J U D G E

Rekha