

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No.205 of 2020

1. Gurumukh Das Chandnani, S/o Late Dayal Das Chandnani Aged About 59 Years R/o H.No. 12, Chhattisgarh Kalptaru Society, Amlidih, P.S. New Rajendra Nagar, Raipur Tahsil And District Raipur, Chhattisgarh,
2. Pankaj Chandnani S/o Gurumukh Das Chandani Aged About 31 Years R/o H.No. 12, Chhattisgarh Kalptaru Society, Amlidih, P.S. New Rajendra Nagar, Raipur Tahsil And District Raipur, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through P.S. - Golbazaar, District - Raipur,
Chhattisgarh **---- Respondent**

For Applicants	:	Mr. Manay Nath Thakur, Advocate.
For Respondent/State	:	Ms. Fouzia Mirza, Additional A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

19/06/2020

Heard.

1. The applicants are apprehending their arrest in connection with Crime No.02/2020 registered at police station – Golbazar, District Raipur (C.G.) for alleged commission of offence under Section 420, 34 of IPC.
2. Prosecution case is that the complainant filed an FIR against the present applicants alleging cheating by stating that a loan of Rs.13,50,000/- was advanced by the complainant to the applicants on the assurance of repayment, through cheques for which purpose, cheques were given in advance by the applicants. However, when, within the time stipulated, money was not returned, two cheques of Rs.2,50,000/- were submitted, for honour and those cheques were dishonoured on 18.11.2019. Despite repeated request when amount was not repaid, the report has been lodged.
3. Learned counsel for the applicants submits that the FIR against the applicants is fabricated. He would submit that, though, they had given blank cheques to the complainant, the applicants actually never received amount of Rs.13,50,000/- and therefore, they had noticed the complainant and when

complainant did not return the cheques, they also lodged an FIR against the complainant on 21.11.2019. He would submit that in these circumstances, merely because, some cheques bounced, it cannot be said that the applicants had any intention to cheat the complainant. He would also submit that the complainant is falsely stating payment of loan of Rs.13,50,000/- because there is no documentary evidence of payment and acknowledgement of receipt of such amount by the present applicants.

4. On the other hand, learned counsel for the State opposes the prayer for grant of anticipatory bail and submits that if prima facie, case is made out because the applicants obtained loan by cheating the complainant that he is securing repayment through cheques given at the time of transaction and it was on this dishonest inducement by the applicants that the complainant gave huge amount of Rs.13,50,000/-. He would further submit that but for depositing advance cheques, the applicants would not have succeeded in getting loan. Learned State counsel further submits that applicants' statement of giving cheques without receipt of Rs.13,50,000/- is wholly improbable.

5. I have heard learned counsel for the parties and perused the records.

6. The offence has been registered against the present applicants on the basis of a report, in which, it has been stated that as against loan of Rs.13,50,000/-, the applicants had given 5 blank cheques. The applicants do not dispute that 5 cheques were given by them to the complainant. At this stage, the applicants' case that though cheques were given but the loan amount was not given to them, appears to be improbable.

7. On the other hand, the case of the complainant that loan was advanced only on the assurance of repayment through cheques given in advance appears to be more probable.

8. It appears that after two cheques of Rs.2,50,000/- bounced on 18.11.2019, the applicants lodged FIR against the complainant on 21.11.2019. Therefore, in these circumstances, no case is made out for grant of anticipatory bail. The application is therefore rejected.

Sd/-

(Manindra Mohan Shrivastava)

J U D G E