

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCRCA No. 340 of 2020

1. Smt. Savita Jaiswal W/o Ram Pratap Jaiswal, Aged About 42 Years, R/o Village Sutarra, Police Station Khatghora, District Korba Chhattisgarh
2. Sunil Dadsena S/o Jagannath Dadsena Aged About 37 Years R/o Village Semarchua, District Mungeli Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Khatghora, District Korba Chhattisgarh

---- Respondent

MCRCA No. 358 of 2020

- Ram Pratap Jaiswal S/o Pusauram Jaiswal, Aged About 49 Years R/o Village Sutarra, PS Khatghora, District Korba Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Khatghora, District Korba Chhattisgarh

---- Respondent

For Applicants

Mr. Jitendra Shrivatava, Advocate

For Respondent /State

Mr. Vikram Sharma, Dy. GA

Proceedings through Video ConferencingSB: Hon'ble Mr. Justice Prashant Kumar Mishra

Order On Board**25/6/2020**

1. Heard.
2. These are the two applications filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the applicants, who are apprehending their arrest in connection with Crime No.61/2020, registered at Police Station Khatghora, District Korba for the offence punishable under Sections 384, 294 & 506 of IPC.
3. As per the allegation contained in the case diary, the applicants obtained a sum of Rs. 4 lakhs from the account of the complainant by a forged cheque.
4. On the other hand, learned counsel for the applicants would submit that the complainant had obtained a loan of Rs. 7 lakhs from the applicants at the time of marriage of his daughter; immediately after receiving the amount from his employer, the complainant himself paid a sum of Rs. 4 lakhs to the applicants and later on, lodged a report so that he is not required to repay the remaining amount.
5. There is no report of the Handwriting Expert proving that the cheque of Rs. 4 lakhs was not signed by the complainant.
6. Considering the position of admitted loan transaction between the parties, I am of the opinion that present is a fit case in which, the applicants should be extended the benefit of Section

438 of Cr.P.C.

7. Accordingly, the applications are allowed and it is directed that in the event of arrest of these applicants, they shall be released on anticipatory bail on each of them executing a personal bond for a sum of Rs.50,000/- with one surety each in the like sum to the satisfaction of the Arresting Officer with the following conditions :-

- (i) they shall make themselves available for interrogation by a Police Officer as and when required;
- (ii) they 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.

8. Certified copy as per rules.

Sd/-

(Prashant Kumar Mishra)

Judge

Shyna