

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRCA No. 606 of 2020**

- Sandeep Jain Bangani S/o Shri Ram Lal Jain Aged About 42 Years R/o Street No. 1 Before The House Of Ex-Counsellor Narendra Banjare Ward No. 3 New Colony Gaya Nagar Durg Tehsil And District Durg, Chhattisgarh

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through- S.H.O. Durg Kotwali, District Durg, Chhattisgarh

**---- Respondent**

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For Applicant : Shri B.P. Singh, Advocate.

For Respondent/State : Shri Ghanshyam Patel, G.A.

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**Hon'ble Shri Justice Arvind Singh Chandel**

**Order On Board**

**25/06/2020**

1. The Applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 160/2020 registered at Police Station Durg, Kotwali, District – Durg, (C.G.) for the offence punishable under Section 420 of I.P.C.
2. According to the case of the prosecution, on 28.2.2020, complainant Yogeshwari Rajput lodged a complaint wherein it has been alleged that in the year 2015-2016, present applicant by alluring the complainant obtained Rs. 12,00,000/- from her saying that he would invest the said money in share market and he would returned her interest amount @ 2% on monthly basis. Initially, for few months

applicant returned interest amount to complainant, thereafter, applicant stopped giving interest amount to complainant. He has also not returned Rs. 12,00,000/- to complainant. It is further alleged that in the month of October, 2018, applicant had issued two cheques of Rs.6,00,000/- each by mentioning the date of February, 2019 to the complainant and the said cheques were dishonoured by the Bank for the reason that the signature is different and thus, applicant thereby has committed fraud/cheating with the complainant.

3. Learned Counsel appearing for the applicant submits that applicant is innocent and has been falsely implicated in the present case. He further submits that *prima facie*, no offence under Section 420 of I.P.C. is made out against present applicant. Applicant has not taken any amount from complainant. Virtually, an oral agreement was made between complainant and applicant to purchase the house of the complainant and for that applicant had provided two cheques amounting Rs.6,00,000/- each in favour of complainant. But the said sale deed was not executed between them. Applicant asked complainant to return the cheques but complainant didn't return the cheques and mis-using the same, she filed a complaint under Section 138 of Negotiable Instruments Act on 8.7.2019. Thereafter, to create further pressure on applicant, complainant again lodged report against applicant concealing the above facts. Therefore, it is prayed that applicant may be granted benefit of anticipatory bail.
4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard learned Counsel appearing for the parties.

6. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, specifically considering the fact that complainant has lodged the F.I.R. concealing the facts regarding submission of private complaint under Section 138 of Negotiable Instruments Act, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicant.

7. Accordingly, the bail application is allowed.

8. It is directed that in the event of arrest of the applicant in connection with the aforesaid crime, he shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. He shall also abide by all the following terms and conditions :

- (i) 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 fact to the Court,
- (ii) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) He shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-  
**(Arvind Singh Chandel)**  
**Judge**