

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 577 of 2020**

Vinod Saluja, aged about 53 years S/o Late Malikram Saluja R/o Jawaharnagar,
Raipur (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through P.S. Azad Chowk, District Raipur (C.G.).

---- Respondent

AND

MCRCA No. 757 of 2020

Aditya Saluja, aged about 31 years S/o Late Mr. Deepak Saluja, R/o
Jawaharnagar, Raipur (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through P.S. Azad Chowk, District Raipur (C.G.).

---- Respondent

For Applicants	:	Mr. Kishore Bhaduri, Advocate
For Respondent	:	Mr. Ghanshyam Patel, Govt. Advocate
For Objector	:	Mr. Akhilesh Mishra, Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

09/07/2020

1. These matters are heard through video conferencing.
2. Since both the cases relate to same crime number, therefore, they are being decided by this common order.
3. The applicants have filed these applications under Section 438 of the Cr.P.C. for grant of anticipatory bail as they are apprehending their

arrest in connection with Crime No. 31/2020 registered at Police Station Azad Chowk, District Raipur (C.G.) for the offence punishable under Sections 420/34 of the Indian Penal Code.

4. In these cases, the husband of the Complainant, Pramod Saluja is brother of applicant Vinod Saluja. Applicant Aditya is nephew of the Complainant. On 31/01/2020, an FIR has been lodged by the Complainant against the applicants alleging therein that both the applicants with common intention without having mandate holder of the Complainant's account, fraudulently procured sum of Rs. 2 lacs vide cheque No. 199241. It has been further alleged that the applicants have been doing illegal business of money laundering in the name of the Complainant and her husband since 20 years without having any license. It has been further alleged that the applicants had forged the signatures of the complainant and her husband to procure loan from HDFC Bank amounting to Rs. 6 lacs in which the principle documents of the house situated at Rishabh Nagar has been mortgaged with the Bank. The loan was procured on 17/01/2006. On the basis of the written complaint made by the Complainant, offence has been registered.
5. Learned counsel appearing on behalf of the applicants submits that the applicants are innocent and they have been falsely implicated in the present case. The applicants were carrying their family business and husband of the Complainant Pramod was dependent upon the family business and did not have any means of livelihood during his life time. The applicants have been taking care of family members of Pramod including the education of their children. In lieu of joint family business,

from the inception the account of the Complainant and her daughters were operated by the Deepak in the capacity of Mandate holder of the account. After the death of Deepak Saluja, all accounts thereafter have been operated by the applicant Aditya Saluja. All the transaction be it deposit or withdrawal were being used for business and was operated by applicant Aditya in the capacity of the Mandate holder. He further submits that after the death of Pramod Saluja, the Complainant used to make dispute on the matter of family business. It is further submitted that the cheque by which the amount was withdrawn also contains the signature of the complainant and because of dispute, she has denied her signature on the alleged cheque. He further submits that before this incident also, the Complainant had made similar type of complainant, but prima-facie nothing was found and no action was taken on that complainant. He further submits that if the entire incident is taken as it is yet prima-facie no offence under Section 420 of the IPC is made out against the applicants. He further submits that the alleged incident is of the year 2017 and the report has been lodged in the year 2020. The entire matter belongs to the family dispute and there is no custodial interrogation required, therefore, he prays that the applicants may be extended the benefit of anticipatory bail.

6. Learned counsel appearing on behalf of the State and the Objector oppose the said applications.
7. I have heard counsel for the parties and perused the documents annexed with the application and the objection and also perused the material contained in the case diary.
8. Considering the facts and circumstances of the case and the argument

advanced by counsel for the parties, and further considering the facts that the alleged incident is of the year 2017 and the report has been lodged after delay of three years in the year 2020 and further considering that prior to this incident, a report was also made by the applicant on which no action was taken, and that no custodial interrogation is required in this case, without further commenting on other merit of the cases, I am inclined to give benefit of anticipatory bail to the applicants.

9. Accordingly, the anticipatory bail applications are allowed.
10. It is directed that in the event of arrest, the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.10,000/- with one surety each for the like sum to the satisfaction of the officer arresting them and they shall abide by all the following terms and conditions:
 - i. That, the accused/applicants shall make themselves available for interrogation before the concerned Investigating Officer and if their specimen signature would be required they will submit their specimen signature as and when required;
 - ii. The accused/applicants 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/her from disclosing such facts to the Court or to any police officer;
 - iii. The accused/applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - iv. The applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
11. Certified copy, as per rules.

Sd/-
(Arvind Singh Chandel)
Judge