

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 787 of 2020

- Dharmendra Gadiyok S/o Late Harbhajan Singh Gadiyok Aged About 48 Years R/o Dallirajhara, Police Station Rajhara, District Balod, Chhatisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Police Station Dallirajhara District Balod Chhattisgarh.

---- Respondent

For Applicant : Shri Prasoon Agrawal, Advocate.

For Respondent/State : Shri Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

07/08/2020

1. Heard through video conferencing.
2. The applicant has preferred the second bail application under Section 438 of Cr.P.C. for apprehending his arrest in connection with Crime No. 220/2019 registered at Police Station Dallirajhara, District - Balod, (C.G.) for the offence punishable under Section 420 of the Indian Penal Code.
3. First bail application was dismissed for want of prosecution vide order dated 24.02.2020 passed in MCRCA No. 1812/2019.
4. As per the case of the prosecution, on 18.8.2019 a report has been lodged by the complainant alleging therein that in the year 2016-2017,

applicant obtained a sum of Rs. 4,00,000/- from him in order to provide job to his son. Later on, applicant neither provided job nor returned the money to the complainant. On being asked, applicant gave a cheque bearing No.321147 of State Bank of India, Dallirajhara of Rs.3,50,000/- which got bounced. On the basis of the said report, offence has been registered.

5. Learned Counsel appearing for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that there is no such material available on record on the basis of which it can be said that present applicant had obtained any money from the complainant for providing job to his son. It is further submitted that incident is of year 2016-2017 and F.I.R. has been lodged on 18.8.2019. In spite of knowing the fact that the alleged cheque has been bounced, complainant had not given any notice to the applicant nor filed any complaint case regarding dishonour of the cheque. Looking to the above, it is prayed that applicant may be granted benefit of anticipatory bail.
6. Learned Counsel appearing for the State opposes the bail application.
7. I have heard learned Counsel appearing for the parties and perused the material available.
8. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution and particularly considering the fact that F.I.R. has been lodged after three years of the alleged incident and

after one and half years of bouncing of cheque, therefore, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicant.

9. Accordingly, the bail application is allowed.

10. 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/her 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