

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7797 of 2019**

- Mahendra Kochar, son of Shri Moti Lal Kochar, aged about 49 years, residing near Jalaram Kiriya Bhandar, Budhapara, Raipur, District and Tehsil Raipur (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Police Station Kotwali, Raipur, District Raipur (C.G.)

---- Respondent

For Applicant	:	Shri Abhyuday Singh, Advocate
For Respondent	:	Shri Vinod Tekam, P.L.
For Objector	:	Shri Kashif Shakeel, Advocate

Hon'ble Smt Justice Rajani Dubey**Order on Board****24/01/2020**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.460/2019, registered at Police Station – Kotwali, Raipur, District Raipur (C.G.) for the offence punishable under Sections 420, 467 and 468 IPC.
2. The allegation against the present applicant is that he issued a cheque for repayment of loan amount due towards the mother of the complainant in the year 2019, despite knowing the fact the bank account associated with the cheque in question had already been closed in the year 2012. Based on this, offence has been registered. The applicant has been taken into custody on 07.10.2019
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the applicant had paid off the entire

amount due towards the complainant out of the original loan transaction long back, in full along with interest. He also submits that the cheque in question was issued by the applicant way back in the year 2011 when the said bank account was active. The entire case is a purely civil dispute, and the applicant has been framed by misusing an old cheque by the complainant. He next submits that the applicant is in custody since 07.10.2019, the charge sheet has been filed and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.

4. On the other hand, learned counsel for the State opposed the bail application.
5. Shri Kasif Shakeel, learned counsel for objector vehemently opposed the bail applicant and submits that the applicant has deliberately issued a cheque in the year 2019 of such an account which has already been closed in the year 2012 and thereby committed forgery. He also submits that the applicant has not only taken money from him but also from other persons as loan and he is not paying the loan amount.
6. I have heard learned counsel for the parties and perused the case diary.
7. Considering the totality of the facts and circumstances of the case, quality of evidence and further considering the fact that the applicant is in custody since 07.10.2019, charge sheet has been filed and the disposal of case may take some time, I am of the view that the applicant is entitled to an order of bail pending trial on stringent conditions in order to safeguard the interest of the prosecution.
8. Accordingly, the application is allowed. The applicant is ordered to be released on bail on his executing a personal bond for a sum of Rs.1,00,000/- (Rs. One Lac only) with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed, on the following conditions:-

- (i) The applicant 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 to disclose such facts to the court or to any other authority.
- (ii) The applicant shall remain present before the court on the dates fixed for hearing of the case, for any reason due to unavoidable circumstances for remaining absent he has to give intimation to the concerned Court and make a proper application that he may be permitted to be present through counsel.
- (iii) The applicant shall not leave the headquarters without prior permission of the trial Court concerned.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge

Pekde