

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No. 2092 of 2019**

- Ajay Kashyap S/o Late Rambriksha Kashyap Aged About 40 Years, Occupation Business, R/o. Mo. Church Road, Kedarpur, P.S. and Tahsil Ambikapur, District Surguja, Chhattisgarh.

**---- Applicant****Versus**

- State Of Chhattisgarh Through- Station House Officer, Police Station Ambikapur, District Surguja, Chhattisgarh.

**---- Respondent**

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| For Applicant        | : Shri Sumit Singh Rathore and Smt. Rashmi Sen, Advocates. |
| For Respondent/State | : Shri Alok Nigam, G.A.                                    |

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**Hon'ble Shri Justice Arvind Singh Chandel****Order On Board****30/01/2020**

1. The applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 678/2019 registered at Police Station Ambikapur, District – Surguja, (C.G.) for the offence punishable under Section 420/34 of Indian Penal Code.
2. As per the prosecution story, two years back, there was an agreement executed between applicant and complainant (Vinod Chouhan) for sale of land of applicant and in lieu of that the complainant paid Rs. 5 Lakhs to the applicant. Thereafter, due to objection raised by the relative of the applicant, the applicant refused to sale the said land and issued two cheques of amount Rs. 3 Lakhs each in favour of the complainant which was dishonoured due to insufficient fund. Thereafter, complainant lodged the F.I.R. on 30.10.2019 and on the basis of the said, offence has been registered.

3. 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 *prima facie*, no case under Section 420 of I.P.C. is made out against present applicant. The present case is purely a case of dishonour of cheques under Section 138 of Negotiable Instruments Act, 1881. He further submits that compromise has been taken place between both the parties and the said matter has been settled. The complainant also does not want to take any action against the applicant and in this regard, he has already executed an affidavit. Looking to the above, it is prayed that applicant may be released on anticipatory bail.
4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard learned Counsel appearing for the parties and perused the material available with due care.
6. 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 further considering the fact that compromise has been done between both the parties and an affidavit in this regard is also filed, therefore, 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 anticipatory 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 his 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**