

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 410 of 2021**

- Anwarul Khan S/o Fazalhaq Khan, aged about 54 years, R/o infront of Annapurna Rice Mill, Ring Road, Kharsiya Naka, Ambikapur, District Sarguja (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh - Through : The Police Station Bhilai Nagar, District Durg (C.G.)

---- Respondent

For Applicant	:	Mr. Rohitashva Singh, Advocate.
For Respondent.	:	Mr. Vimlesh Bajpai, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****28/06/2021**

1. Proceeding through video conferencing.
2. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicant who is apprehending his arrest in connection with Crime No.78/2021 registered at Police Station – Bhilai Nagar, District Durg (C.G.) for commission of the offence punishable under Sections 420, 34 of Indian Penal Code.
3. The prosecution story, in brief, is that a complaint was lodged by complainant namely Satendra Singh alleging that the applicant had purchased 22.670 ton scrap worth Rs.4,03,934/- from the complainant and, after delivery of the goods, he did not pay the said amount. On repeated request of the complainant, the applicant gave a cheque No.426364 of the said amount, which was bounced. Based on this,

offence has been registered against the applicant.

4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the applicant had given a blank cheque (Annexure A-2) to the complainant only for the security purpose. The complainant never send any notice under Section 138 of the Negotiable Instrument Act and no information was given while depositing the cheque, whereas the applicant had paid Rs.1,20,000/- to the complainant. He also submits that even if the entire case is taken on its face value, no offence under Section 420 IPC is made out.
5. Counsel for the State however opposes the application for anticipatory bail.
6. After hearing counsel for the parties and considering the facts and circumstances of the case, further considering the nature of allegation against the applicant, without commenting anything on merit of the case, this Court is of the considered opinion that it is a fit case to grant anticipatory bail to the applicant.
7. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicant in connection with aforesaid crime number, he shall be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- with one surety for the like sum to the satisfaction of the concerned arresting/investigating officer or the court concerned, as the case may be, with the following terms and conditions:
 - (i) that the applicant shall make himself available for interrogation/medical examination before the concerned

investigating officer as and when required;

- (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

(Rajani Dubey)
Judge