(Proceedings through video conferencing)

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No.679 of 2021

- Vinay Jain S/o Shri Rameshchand Jain, aged about 37 years, Director- Sanman Cinema Private Limited, R/o B-302, Lalganga Rigaliya Amrapali, Pachpedi Naka, Raipur, District Raipur (CG) Aadhar Car- 3490 7636 5212; Mob. No.95751-33000.

---- Applicant

Versus

- State of Chhattisgarh, through Station House Officer, Police Station Azad Chowk Raipur, District Raipur (CG)

---- Non-applicant

For Applicant	:	Mr. T.K. Jha, Advocate
For Non-applicant	:	Mr. B.P. Banjara, Dy. Govt. Advocate

Hon'ble Mr. Justice Parth Prateem Sahu
Order On Board

23/07/2021

1. This is an application under Section 438 of CrPC for grant of anticipatory bail to the applicant as he apprehends his arrest in connection with Crime No.0004/2020 registered at Police Station Azad Chowk, Raipur, Distt. Raipur (CG) for commission of offence punishable under Sections 406 & 420 of IPC.

2. The prosecution story, in brief, is that applicant is one of the Directors of M/s Sanman Cinema Private Ltd. (for short 'the company') registered of which is in Raipur. Other Directors of the Company are Vikas Bohra (complainant), Sandeep Jain & Sanchit Jain. The Company received legal notice from one Smt. Shashi Bafna intimating about dishonour of cheque of the Company. Upon enquiry by complainant, it revealed that present applicant in the name of the Company had obtained amount from different persons, issued them cheques of the company towards return of amount, but the amount so obtained

has not been deposited in the audited account of the Company. On the basis of complaint lodged by one of the Directors of the Company, instant crime is registered against present applicant.

3. Mr. T.K.Jha learned counsel for applicant would argue that case for dishonour of cheque against present applicant and other Directors of the Company has already been filed by complainant before the Judicial Magistrate 1st Class, Rajnandgaon, therefore, registration of instant crime for the same act will amount to double jeopardy. He submits that other Directors of the Company including complainant have forcefully taken possession of the office of the Company for which a report is lodged by present applicant in the concerned police station. He further argues that initially for smooth running of the Company, the applicant has been given authorization and under that authority itself, for the purpose of business, the deposit of amount was accepted. Applicant during the course of managing affairs of business of the Company has kept some blank signed cheques in the office which are misused by complainant. A false case is registered against present applicant on account of internal dispute between the Directors of the Company. Hence, present applicant may be granted anticipatory bail.

4. Per contra, Mr. B.P. Banjare, learned Deputy Government Advocate for the State opposes the submissions made by learned counsel for applicant and submits that allegations levelled against present applicant are that he accepted Rs.10,00,000/- in the name of Company but did not deposit the

same in the bank account of the Company and used the same for himself. Cheque issued under the signature of applicant was dishonoured. He further submits that as per case of applicant himself, he has been forcefully ousted from the Company in the year 2017 itself, whereas cheque in the name of Company has been issued on 30.6.2019, which was dishonoured on 1.7.2019 with a note “drawers signature not as per mandate”, as per legal notice dated 24.7.2019 available in the case diary. He further submits that there are *prima facie* material available in case diary against applicant, hence he is not entitled to be released on anticipatory bail. He also referred to the statement of Vineet Jain, Virendra Vishwakarma & Kamlesh Jain recorded under Section 161 of CrPC.

5. I have heard learned counsel for the parties and perused the case diary.

6. Taking into consideration the nature of allegations levelled against present applicant of accepting money for and on behalf of the Company and not depositing the same in the account of the Company, issuance of cheque by applicant in the year 2019, whereas as per applicant himself, he has been ousted from the Company in the year 2017 itself, I am of the view that present is not a fit case where applicant should be enlarged on anticipatory bail.

7. Accordingly, the application is rejected.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-