

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRCA No.1312 of 2020**

Aman Sinha S/o Hiralal Sinha Aged About 32 Years R/o Nikhileshwaram Colony, Chantidih, Sarkanda, P.S. City Kotwali, District Bilaspur, Chhattisgarh  
---- **Applicant**

**Versus**

State Of Chhattisgarh Through S.H.O., Police Station Bilha, District Bilaspur, Chhattisgarh  
---- **Respondent**

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|----------------------|---|---------------------------------------|
| For Applicant        | : | Mr. Shikhar Bakhtiyar, Advocate       |
| For Respondent/State | : | Mr. Praveen Shrivastava, Panel Lawyer |

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**Hon'ble Shri Justice Manindra Mohan Shrivastava**

**Order On Board**

**25/02/2021**

Heard.

1. The applicant is apprehending his arrest in connection with Crime No.148/2020 registered at Police Station –Bilha, District Bilaspur (C.G.) for alleged commission of offence under Section 420, 467, 468, 471, 34 of IPC.

2. Case of the prosecution is that the complainant lodged report that in order to utilize financial support under Pradhan Mantri Awas Yojna, the complainant had opened an account to facilitate transfer of the financial support but he came to know that in his name, an account was opened in IDBI Bank and in that Bank, cheques were submitted for withdrawal by different persons. As against the present applicant, the allegation is that one of the cheque of Rs.3,000/- was submitted for withdrawal by the present applicant against the IDBI Bank account of the complainant whereas complainant had never opened any such account.

3. Learned counsel for the applicant would submit that the applicant is being falsely involved. He would submit that as disclosed by the State counsel upon perusal of the case diary at this stage of investigation, Bank Manager of IDBI Bank has ruled out possibility of opening of fake account. Further complainant himself has stated that he received cheque book of the IDBI Bank at his residence. There is no material collected during the investigation that

cheque submitted in the Bank contains forged signature. Therefore, the applicant may be granted benefit of anticipatory bail.

4. On the other hand, learned counsel for the State opposes the prayer and submits that in view of complaint made by the complainant that he never opened IDBI Bank account and one of the cheque of IDBI Bank was presented for drawal of Rs.3,000/- by the applicant, prima facie, the applicant is also involved in the act of cheating and forgery.

5. On prima facie consideration, it appears that the complainant lodged report stating that he has not opened any account in the IDBI Bank. However, during investigation, as disclosed from the case diary, the case diary statement of IDBI Bank Manager that there is no possibility of fake account having been opened. The complaint that he never opened any account is also questionable because he himself states that he had received a cheque book from IDBI Bank, at his address.

6. Taking into consideration the aforesaid submission and material contained in the charge-sheet, I am inclined to protect the applicant by grant of anticipatory bail. Therefore, the application is allowed.

7. Accordingly, it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the arresting officer and the applicant shall abide by all the following terms and conditions -

- (i) that the applicant shall make himself available for interrogation by a Police Officer as and when required;
- (ii) that 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 from disclosing such facts to the Court or to any Police Officer.
- (iii) that he shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-

**(Manindra Mohan Shrivastava)**

**J U D G E**