

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC (A) No. 985 of 2021

Abhijeet Kumar Singh S/o Late Shri Arun Kumar Singh, Aged About 35 Years,
 Occupation -Government Service, R/o : village -Bhatgaon Police Station
 -Bahatgaon, Tehsil -Bhaiyathan, District -Surajpur, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station -Bhatgaon,
 Tehsil -Bhaiyathan, District -Surajpur, Chhattisgarh.

--- Respondent

For Applicant	:	Mr. Shakti Raj Sinha, Advocate.
For Respondent-State	:	Mr. Vimlesh Bajpai, GA.

(Proceedings through video conferencing)
Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

24/08/2021

Heard.

1. Applicant has filed this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.96/2021 registered at Police Station -Bhatgaon, District -Surajpur, (CG), for the offence punishable under Sections 420, 294, 506 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that applicant, who is nephew of complainant, had issued a cheque bearing No.671741 dated 10.05.2021 of Rs.6 lacs of State Bank, branch Bhatgaon for returning loan amount. When cheque was submitted by complainant in her bank account for clearance it was dishonored due to insufficient fund. Thereafter, complaint was lodged to concerned Police Station mentioning therein that earlier also applicant handed over a cheque in year 2019 which got dishonored. He is in habit of giving cheque without having sufficient fund his bank account.
3. Learned counsel for the applicant submits that contents of Annexure A-4 legal notice issued by complainant through his counsel extracts that amount of Rs.6 lacs was given to applicant as loan and thereafter, a cheque was handed over to complainant towards repayment of loan amount. Applicant has not cheated

the complaint. Husband of complainant and uncle of applicant died on 15.04.2021 due to Corona infection, applicant was attendant to hm. Subsequently, on 10.05.2021 another uncle of applicant namely Dewakar Singh also scummed to Corona infection. It is applicant, who has done all the ritual due to which, he also got infected. Complainant misused the cheque of applicant and submitted it in her bank account. Applicant is an employee of SECL. Hence, he may be enlarged on anticipatory bail.

4. Learned State Counsel opposes the submissions made by learned counsel for the applicant and submits that complainant has lodged written complaint making allegation that in the year 2019 applicant handed over the cheque which was also dishonored. As applicant is in a habit of handing over cheque without there being sufficient fund in his account, he is not entitled for grant of anticipatory bail.
5. Heard learned counsel for the parties.
6. Considering the entire facts and circumstances of the case, nature of allegation, contents of legal notice, without commenting anything on merits of this case, I am inclined to grant anticipatory bail to applicant.
7. Accordingly, anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with crime in question, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Arresting Officer. Applicant shall also abide by the following conditions :
 - (i) that applicant shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that 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 from disclosing such facts to the Court or to any police officer;
 - (iii) that applicant shall not act, in any manner, which will be prejudicial to fair

and expeditious trial; and

(iv) that applicant shall appear before the trial Court on each and every date given to him by said Court till disposal of the trial.

Sd/-
(Parth Prateem Sahu)
Judge

Jamal/-