

(Proceedings through video conferencing)

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No.1004 of 2021

- Ramphal S/o Late Devraj Goyal, aged about 47 years, R/o Village, Post, Police Station and Tahsil Pratappur, District Surajpur (CG).

---- Applicant

Versus

- State of Chhattisgarh, through Station House Officer, Police of Police Station Pratappur, District Surajpur (CG)

---- Non-applicant

For Applicant	:	Mr. Anil Gulati, Advocate
For Non-applicant	:	Mr. Vimlesh Bajpai, Govt. Advocate

Hon'ble Mr. Justice Parth Prateem Sahu

Order On Board

25/8/2021

1. This is an application under Section 438 of CrPC for grant of anticipatory bail to applicant as he apprehends his arrest in connection with Crime No.27/2019 registered at Police Station Pratappur District Surajpur (CG) for commission of offence punishable under Sections 458, 506, 385, 467, 468 of IPC.
2. Case of the prosecution, in brief, is that on 17.4.2018 complainant submitted written complaint before the concerned police station making allegation against applicant that he entered into her house, forcibly obtained two blank signed cheques bearing Nos.655452 & 655453 from her after giving her threat. Thereafter, applicant deposited those cheques in his bank account for clearance. Based on written report dated 17.4.2018, FIR is registered on 10.3.2019 by concerned police station against applicant.
3. Mr. Anil Gulati, learned counsel for applicant would submit that allegations levelled against applicant are absolutely false and baseless. Cheques were issued by complainant herself in favour of applicant, which were deposited by him in his bank account and the same could not be honoured for want of sufficient fund in bank account of complainant. He further submits that after dishonour of cheques, applicant through his advocate sent legal

notice to complainant for filing complaint case under Section 138 of the Negotiable Instruments Act, 1881, which was received by complainant on 24.1.2019, as appearing from proceedings of complaint case pending before the Judicial Magistrate 1st Class, Pratappur, District Surajpur (Annexure A-2). After filing of complaint case under Section 138 of the Negotiable Instruments Act, 1881, false allegations have been levelled by complainant against applicant. He further submits that during pendency of proceedings under Section 138 of Negotiable Instruments Act, 1881, the applicant and complainant have arrived at a settlement and a compromise deed bearing photographs of both the parties was also filed before the Judicial Magistrate 1st Class, Pratappur on 20.8.2019. He further submits that complainant has also executed an affidavit before the Notary on 15.10.2019, to be submitted before the SHO, Police Station Pratappur stating that as applicant and complainant have entered into compromise, she does not want any action on the complaint.

4. Mr. Vimlesh Bajpai, learned Government Advocate for the State opposes the submissions made by learned counsel for applicant and submits that complainant has lodged written complaint immediately after the incident dated 16.4.2018 i.e. on 17.4.2018 making allegations against applicant that he entered into her house and forcibly obtained from her two signed blank cheques by giving threat, but the police register the offence only on 10.3.2019. However, the State Counsel does not dispute the fact that both the parties have arrived at a settlement. On being asked and putting a specific query whether affidavit executed by complainant for submitting before the SHO, Police Station Pratappur is available in case diary or not, he replied that the same is available in case diary.
5. I have heard learned counsel for parties.
6. Taking into consideration the nature of allegations; submissions made by learned counsel for both sides and further considering

the compromise deed filed before the JMFC, Pratappur on 20.8.2019 and affidavit filed before the Station House Officer, without commenting anything on merits, I am inclined to grant benefit of anticipatory bail to applicant.

7. Accordingly, this anticipatory bail application is allowed and it is directed that in the event of arrest of applicant in connection with crime in question, he shall be released on anticipatory bail by the officer arresting him on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the Arresting Officer. Applicant shall also abide by following conditions:

- (i) that he shall make himself available for interrogation before Investigating Officer as and when required;
- (ii) that he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him/her from disclosing such facts to 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 & every date given to him by said Court till disposal of trial.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-