

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
M.Cr.C (A). No.1178 of 2021

Manish Bhaumik S/o Shri Sajan Bhaumik, Aged About 34 Years, Occupation Civil Contractor, R/o Dharamjaigarh Colony, Dharamjaigarh, Police Station and Tehsil Dharamjaigarh, District Raigarh Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Dharamjaigarh, District Raigarh Chhattisgarh.

---- Respondent

For Applicant	: Ms. Surfaraz Khan, Advocate.
For State	: Mr. Roshan Dubey, PL.
For Objector	: Mr. Kishore Narain, Advocate.

Hon'ble Shri Parth Prateem Sahu, J
Order on Board

29/09/2021

1. Applicant has filed this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.189/2021 registered at Police Station –Dharamjaigarh, District Raigarh, (CG), for the offence punishable under Sections 420 of the Indian Penal Code and Section 4 of Karja Act.
2. Case of the prosecution, in brief, is that complainant Anil Vishvash, Radheshyam Vishvash and Prakash have taken hand-loan of Rs.15,000/-, Rs.25,000/- & Rs.10,000/- respectively from applicant. At the time of taking loan, applicant has taken blank cheques from them. They have returned back maximum portion of loan amount but even after payment of major portion of loan amount, cheque was submitted by applicant in bank for clearance which was dishonored. When complainant and others came to know about dishonor of cheque, complainant lodged report in the concerned police station, based upon which aforementioned crime is registered against applicant.
3. Learned counsel for the applicant submits that allegation levelled against applicant is absolutely false and baseless. Offence under Section 4 of Karja Act is bailable in nature. There is no material to show that applicant has cheated the complainant in any manner. Hence, he may be enlarged on anticipatory

bail.

4. Learned State Counsel as well as learned counsel for the Objector oppose the submissions made by learned counsel for applicant and submits that complainant and others have taken hand-loan from applicant, despite return of major portion of loan amount, applicant has deposited the cheque, which was dishonored. There are three different cheques of three different amount, total of which is Rs.8,35,000/- which shows that after taking blank cheques from complainants, and after filing it, submitted the same in bank account. Hence, he is not entitled for grant of anticipatory bail. Upon putting specif query to learned counsels as to in whose name cheque was deposited and got dishonored, they submit that cheque was in the name of Satish Bodh which got dishonored from the Bank. There is no material to show that cheque number of which is available in case diary is handed over to the applicant.
5. Heard learned counsel for the parties.
6. Considering the entire facts and circumstances of the case, nature of allegations, material available in case diary, submissions of learned counsel for the parties, without commenting anything on merits of the case, I am inclined to grant anticipatory bail to the applicant.
7. Accordingly, anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the crime in question, he shall be released on bail by the officer arresting her 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. The 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/her 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 her by the said Court till disposal of the trial.

Sd/-
(Parth Prateem Sahu)
Judge

Jamal/-