

(2018) 04 CHH CK 0344
In the Chhattisgarh High Court
Case No : M.Cr.C. No.1642 of 2018

Kamlesh Shukla

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision : 27-04-2018

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 420, 467, 468, 471

Citation : (2018) 04 CHH CK 0344

Hon'ble Judges : P. SAM KOSHY, J

Bench : Single Bench

Advocate : D.K.Jha, Adhiraj Surana

Final Decision : Allowed

Judgement

1. The applicant has preferred this bail application under Section 439 of Cr.P.C. in connection with Crime No.81/2017 registered at Police Station

Tarbahar (C.G.) for the offence punishable under Sections 420, 467, 468 & 471 of IPC.

2. Present applicant is in jail since 12/01/2018.

3. The allegation against the present applicant as per the prosecution case is that, the present applicant in connivance with the other accused person is

said to have entered into a fraudulent transaction with the State Bank of India, Bilaspur Branch in respect of 4 cheques valuing Rs.1,94,55,000/-.

4. The allegation is that the co-accused â?" Shiva Reddy is said to have brought 4 cheques in his name which were issued by the Century Plywood

Limited, Kolkata and had deposited all the said cheques into the abovesaid bank. The said Shiva Reddy is said to have withdrawn an amount of

Rs.40,000/- from the said account and at the same time have also ordered for

transferring Rs.10,000/- to the bank account of one Kamlesh Sahu.

Lateron, the entire Rs.50,000/- is said to have been deposited back by Shiva Reddy in the account of State Bank of India, Bilaspur Branch on the very next day.

5. The allegation is that all the cheques which was produced were fake cheques deposited in the bank by Shiva Reddy with which he carried all the transactions.

6. The contention of the counsel for the applicant is that, only on the basis of the memorandum statement of the co-accused â?" Shiva Reddy, the present applicant has been implicated in the instant case. He further submits that, except for the memorandum statement, there is no any material available in the case-diary, nor is there any allegation so far as the involvement of the present applicant is concerned and thus prayed for releasing the applicant on bail.

7. The State counsel however opposing the bail application submits that the main accused â?" Shiva Reddy has infact in his memorandum statement submitted that the 4 cheques valuing of Rs.1,94,55,000/- was infact given to Shiva Reddy by Kamlesh Shukla which Shiva Reddy had deposited in the bank and therefore the role of the applicant also is apparently visible in the transactions and thus prayed for rejection of bail application.

8. Considering the entire facts and circumstances of the case particularly taking note of the fact that except for the memorandum statement of Shiva Reddy â?" the co-accused, there does not appear to be any material collected by the prosecution during the course of the investigation.

9. Accordingly this Court is of the opinion that, prima-facie, a strong case has been made out for grant of bail to the present applicant.

10. Accordingly, the application for grant of bail is allowed. It is ordered that the applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Trial Court. The applicant shall thereafter appear before the Trial Court on each and every date given by the said court.