

(2018) 05 CHH CK 0146

In the Chhattisgarh High Court

Case No : MISC. CRIMINAL CASE NO. 3009 Of 2018

Shiva Reddy

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision : 16-05-2018

Acts Referred:

Indian Penal Code, 1860 — Section 120B, 420, 467, 468, 471

Citation : (2018) 05 CHH CK 0146

Hon'ble Judges : P. Sam Koshy, J

Bench : Single Bench

Advocate : Harsh Wardhan, Adhiraj Surana

Final Decision : Allowed

Judgement

P. Sam Koshy, J

1. This is the repeat bail application seeking for grant of bail to the Applicant who is in jail since 12.01.2018 in connection with Crime No.81 of 2017 registered at Police Station Tarbahar, Distt. Bilaspur, for the offence punishable under Sections 420,467,468,471 and 120-B IPC. The earlier bail application was dismissed as withdrawn on 04.04.2018 with liberty to revive after charge sheet is filed.

2. The allegation against the applicant is that, the present applicant is said to have used four cheques amounting to Rs.1,94,00,000/- which was deposited in the bank account of the applicant at State Bank of India, Old Bus Stand, Bilaspur and the said cheques were realized and amount stood credited in the account of the present applicant from which he had initially withdrawn an amount of Rs.50,000/-.

3. Learned Counsel for the applicant submits that it is a case where the present applicant was totally ignorant of the fact that cheques that he was having were fake or clone cheques. The cheques were handed over to him by one Kamlesh Shukla who in turn had received from Rahul Gupta. The applicant has deposited the said amount in his account as he was in need of some money and Kamlesh

Shukla has offered him Rs.5,00,000/- if the said cheques could get encashed by depositing the same in the bank account of applicant. He further submits that in fact the present applicant does not have criminal track record nor does he was, at any point of time, made aware of the fact that cheques were fake and it is only a case where the applicant and his bank account has been used by the other co-accused persons for the purpose of encashment. The applicant has already remained in custody for about 5 months, and therefore, he may be released on bail.

4. The State counsel opposing the application submits that it is a case where in fact the cheques got encashed through the present applicant and it was his account which was used and it was the present applicant who had deposited the same in his bank account, and therefore, the present applicant would be one of the prime accused person and thus prayed for rejection of the bail application.

5. Without commenting on merits, considering the totality of the facts and circumstances of the case particularly taking in to consideration the material collected during the course of investigation which shows that the present applicant is the last person in the chain of the entire racket and prima facie the applicant does not seem to be aware of the fake cheques which was entrusted to him by the co-accused persons for encashment, this Court is of the opinion that the present is a fit case where the Applicant can be enlarged on bail.

6. Accordingly, the application for grant of bail is allowed. It is directed that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.20,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.