
(2018) 04 CHH CK 0108
In the Chhattisgarh High Court
Case No : M.Cr.C.(A) No.162, 95 of 2018

Sujeet Banjare @ Rinku

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision : 10-04-2018

Acts Referred:

Indian Penal Code, 1860 — Section 34, 406, 420

Citation : (2018) 04 CHH CK 0108

Hon'ble Judges : ARVIND SINGH CHANDEL, J

Bench : Single Bench

Advocate : Ankur Agrawal, Neeraj Sharma, Avinash Singh

Final Decision : Allowed

Judgement

1. Since both the anticipatory bail applications arise out of a common complaint case, they are disposed of by this common order.
2. The Applicants are apprehending their arrest in connection with a criminal complaint case, being Criminal Case No.4581 of 2017 registered against them in the Court of Judicial Magistrate First Class, Raipur for an alleged offence punishable under Sections 406 and 420/34 of the Indian Penal Code.
3. Facts of the case are that Respondent No.2, Poonam Singh Rajput filed a complaint case, being Criminal Case No.4581 of 2017 for the offence punishable under Sections 406 and 420/34 of the Indian Penal Code before the Judicial Magistrate First Class, Raipur against the present Applicants and other co-accused, namely, Smt. Kanchan Kalash, Prakash Kalash, Sharad Goyal, Jagdish Singh Bagga, Trilochan Singh Saluja and Parvindar Singh Chhabda making allegations that all the accused usurped the property of partnership firm Vardhman Infrastructure, in which he is one of the partners, by executing sale-deed where his (Poonam Singh Rajput's) signature

has been obtained without his knowledge and the sale-consideration has never been paid to him as the cheque was issued in favour of the firm, but later on, the said cheque was turned into self-cheque and thereby the sale-consideration has also been usurped by the accused.

4. Learned Counsel appearing for the Applicants submits that the Applicants are innocent. They have been falsely implicated in the case. It is further

submitted that Applicant Vikram Rana has lodged a First Information Report against Respondent No.2/Complainant Poonam Singh Rajput as

Respondent No.2, by making forged signature in the Bank, mortgaged the property of the firm Vardhman Infrastructure in which Applicant Vikram

Rana is one of the other partners. On the basis of the said FIR, a criminal case is registered and pending against Respondent No.2 and, therefore,

Respondent No.2, for taking revenge, has made false allegations against Applicant Vikram Rana. It is further argued that without knowledge of

Applicant Vikram Rana, Respondent No.2 mortgaged the property of partnership firm Vardhman Infrastructure in the Bank for loan and he also put

forged signatures of Applicant Vikram Rana on the mortgage papers. In this regard, Applicant Vikram Rana has also filed a civil suit. It is further

argued that Applicant Neelmani Patel was employed in the firm Vardhman Infrastructure. He had only gone to the Bank to deposit the cheque and as

required he had put his signature behind the cheque while depositing it in the Bank.

5. Learned Counsel appearing for Respondent No.1/State and Learned Counsel appearing for Respondent No.2 oppose the prayer for bail to the Applicants.

6. I have heard Learned Counsel appearing for the parties and perused the material available with due care.

7. Taking into consideration the facts that Vardhman Infrastructure is a firm in which Applicant Vikram Rana and Respondent No.2, Poonam Singh

Rajput are partners, a criminal case is already pending against Respondent No.2 due to his putting forged signatures of Applicant Vikram Rana on

mortgage papers, after filing of charge-sheet against Respondent No.2, he preferred the complaint case against the Applicants and other co-accused

and Applicant Neelmani Patel was only an employee of the partnership firm Vardhman Infrastructure, I am inclined to allow both the applications for

grant of anticipatory bail.

8. Accordingly, the bail applications are allowed.

9. It is directed that in the event of arrest of the Applicants in connection with the aforesaid offence, they shall be released on anticipatory bail on each

of them furnishing a personal bond in the sum of Rs.10,000/- with one solvent surety for the like sum to the satisfaction of the Arresting

Officer/Presiding Officer of the concerned Trial Court. They shall also abide by all the following terms and conditions:

(i) They 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 fact to the Court,

(ii) They shall not act in any manner which will be prejudicial to fair and expeditious trial, and

(iii) They shall appear before the Trial Court on each and every date given to them by the said Court till disposal of the trial.