



2026:CGHC:3710

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRCA No.1983 of 2025**

Mohammad Kalam S/o Jamaluddin Aged About 45 Years R/o
Village Chirpenpara, P.S. Kusmi, Distt. Balrampur, Ramanujganj,
Chhattisgarh. **... Applicant**

versus

State Of Chhattisgarh Through Station House Officer Rajpur, Distt.
Balrampur Ramanujganj, Chhattisgarh. **... Non-applicant**

For Applicant : Mr. Manish Kumar Sahu, Advocate.

For Non-applicant/State : Shri.Priyank, Rathi,G.A

Hon'ble Mr. Ramesh Sinha, Chief Justice
Order on Board

21.01.2026

1. This anticipatory bail application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed by the applicant, who is apprehending his arrest in connection with Crime No.235/2024 registered at Police Station – Rajpur, District – Balrampur-Ramanujganj (C.G.) for the offence

punishable under Section 420/34 IPC.

2. Prosecution story in short is that report was lodged against the applicant/accused Mohd. Kalam and other co- accused Manoj Khalkho with the allegation that the accused were operating a fake Dream RK Trading Services Private Limited Company, Ambikapur from 14.04.2021 and on financing the vehicle by them, when they paid 80% in cash, they made him deposit Rs. 9,49,956/- by stating that the remaining amount would be paid by the company and thereafter, they absconded having closed the Company. Hence, this application.
3. It has been argued by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated in this case. It is submitted that the alleged offence is triable by learned Judicial Magistrate First Class, the complainant himself visited the office of Shree Ram Finance Company and complied with all the requisite conditions and also deposited the margin money himself and purchased the vehicle. It is submitted further that the complainant has invested the remaining money in Share Trading and also suffered loss in the stock trading and as such, fabricated the fact and implicated the present applicant in the alleged commission of offence. He further submits that the applicant

has not committed any kind of cheating and the complainant, in relation to the present case, has also filed a complaint case U/s 138 of the Negotiable Instruments Act, which is pending before the concerned court as Case No. 2428/2024. He further submits that the guidelines issued by the Supreme Court in the case of Arnesh Kumar V/s State of Bihar are to be followed strictly and the accused persons cannot be arrested in the offenses with a punishment of 7 years or less and as the present case pertains to the offence U/s 420 IPC, the same falls under the ambit of the aforesaid guidelines, therefore the applicant may be enlarged on bail.

4. On the other hand, learned State counsel opposes the bail application and submits that the applicant along with the co-accused has indulged in cheating the complainant by making him deposit Rs. 9,49,956/- therefore, he is not entitled for grant of anticipatory bail in this case.
5. I have heard learned counsel for the parties and perused the materials available on record.
6. Considering the facts and circumstances of the case, the submission of learned counsel for the parties, offence is triable by the JMFC and further considering that the complainant, in relation to the present case, has also filed a

complaint case U/s 138 of the Negotiable Instruments Act, which is pending before the concerned court, this Court is of the view that the applicant is entitled to be granted anticipatory bail in this case.

7. Accordingly, the instant MCRCa is **allowed** and it is directed that in the event of arrest of the applicant – **Mohammad Kalam**, on executing a personal bond with one surety in the like sum to the satisfaction of the arresting Officer, he shall be released on bail on the following conditions:-

- (a) The 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 from disclosing such fact to the Court.
- (b) The Applicant shall not act in any manner which will be prejudicial to fair and expeditious trial.
- (c) The Applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
- (d) The Applicant and the surety shall submit a copy of their adhaar card alongwith a colored postcard full size photo having printed the adhaar number on it, which shall be verified by the trial Court.
- (e) The Applicant shall not involve himself in any offence of similar nature in future.

Sd/-
(Ramesh Sinha)
CHIEF JUSTICE