

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A) No. 1215 of 2015

1. Jitendra Kumar, S/o. Late Shri Rambahadur, aged about 27 years, Occupation Education, R/o. Village- Jamira Path, P.S. - Kusmi, District – Balrampur – Ramanujganj (C.G.)

----Applicant

Versus

1. The State of Chhattisgarh, through : S.H.O., Police Station – Kusmi, District – Balrampur – Ramanujganj (C.G.)

---- Respondent

For Applicant	: Mr. Jitendra Shrivastava, Advocate
For Respondent/State	: Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

04/12/2015

1. Apprehending arrest in connection with Crime No.115/2014 (wrongly mentioned in the lower Court order dated as 115/2015) registered at Police Station- Kusmi, District – Balrampur-Ramanujganj (C.G.), for offence punishable under Section 417, 420, 467, 468, 471, 120-B and 409 of Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, it is alleged that the applicant obtained certain papers of property from one Sallu, S/o. Dahru Nageshiya and one Goverdhan to provide them loan and thereafter, neither loan was given, however, when recovery notice was served one person namely Somnath Bhagat, made an enquiry and subsequently, a report was made. During investigation, it came to fore that the applicant has taken documents of property and at one point of time, the persons also went

alongwith them to sign and affixed their thumb in the bank, however, no loan actually was taken.

3. Learned counsel for the applicant would submit that, he has been falsely implicated in the case as the persons in whose name the loan has been said to be obtained has not lodged the complaint. He would further submit that though the allegations of Rs.99,000/- of loan has been stated but actually the loan was granted to the lonee and they had also withdrawn the same. Therefore, he prays that the applicant may be extended the benefit of anticipatory bail.
4. Per contra, the learned State counsel opposes the prayer for grant of bail.
5. I have perused the case diary and the documents. Perusal of the case diary would show that charge sheet in this case has been filed and till today, the applicant is absconding and in his absent, the charge sheet has been filed. Perusal of the case diary would also show that despite all efforts, the applicant was not apprehended. I have also perused the documents of the charge sheet, which contains the statement of Sallu and Goverdhan, wherein it is stated that the said lonee went alongwith this applicant and thumb impression were obtained in the bank. Considering the allegation made, and the fact that the applicant is absconding it appears that custodial interrogation of the applicant may be required. Therefore, I am not inclined to grant anticipatory bail to the applicant.
6. Accordingly, the anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge