

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5154 of 2015

- Chandrashekhar @ Chandan, aged about 26 years, son of Dashrath Jaiswal, resident of Club Chowk, Basantpur, Police Station Basantpur, Tehsil and District Rajnandgaon, Chhattisgarh

--- Applicant

Versus

- State of Chhattisgarh through the Station House Officer, Police Station Kotwali, Rajnandgaon, Chhattisgarh

--- Respondent

MCRC No. 5155 of 2015

- Rajkumar Jaiswal, aged about 29 years, son of Dashrath, son of Dashrath Jaiswal, resident of Club Chowk, Basantpur, Police Station Basantpur, Tehsil and District Rajnandgaon, Chhattisgarh

--- Applicant

Versus

State of Chhattisgarh through the Station House Officer, Police Station Kotwali, Rajnandgaon, Chhattisgarh

--- Respondent

For the applicant(s)	:	Mr. Ranbir Singh Marhas, Advocate
For the Respondent	:	Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

02.11.2015

1. These are two bail applications filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No. 556/2015 registered at P.S. Kotwali, Rajnandgaon (C.G) for the offence punishable under Sections 294, 506, 384, 34 of IPC and Sections 3 & 4 of Karja Act.
2. Since both the bail applications are relating to the same crime number, they are being decided by this common order.
3. As per the prosecution story, complainant Yogesh Panjwani lodged a complaint that he took a loan of Rs. 12 lakhs in four instalments of Rs.3 lakhs each from accused applicants Rajkumar Jaiswal and his

brother namely Chandrashekhar @ Chandan and some part of the said loan was repaid along-with interest. Thereafter, the complainant could not pay back the amount, therefore, the applicants got written a stamp paper/agreement to the effect that that they have given loan of Rs.17 lakhs to the complainant and they had also obtained the signature of the complainant on the said stamp paper/agreement as also on a blank cheque of Axis Bank and as such the applicant is being is being threatened.

4. Learned counsel for the applicants submit that the offences are triable by the Judicial Magistrate First Class; the documents/papers collected by the prosecution are in the nature of documentary evidence, the applicants have been arrested on 27.08.2015 and looking to the period of detention, the applicants may be enlarged on bail.
5. On the other hand, learned State Counsel opposes the bail applications.
6. Having regard to the totality of facts and circumstances of this case and further considering the fact that the applicants are in jail since 27.08.2015; the documents seized by the prosecution is in the nature of documentary evidence and the offences are triable by the JMFC, this Court is inclined to release the applicants on bail.
7. Accordingly, M.Cr.C.No.5154/2015 & 5155/2015 are allowed and the applicants are directed to be released on bail on each of them executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court . They are directed to appear before the said Court on each and every date given by the said Court.
8. C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**