

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 626 of 2015

Vipul Nayak S/o Vijay Kumar Nayak Aged About 40 years R/o Village Bhimbhouri,
Police Station & Tah. Tilda, District Raipur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through In Charge, Police Station City Kotwali, Bemetara,
Tah., Civil And Rev. Distt. Bemetara Chhattisgarh.

---- Respondent

Shri Anand Shukla, counsel for the applicant.

Shri Satish Gupta, Govt. Adv. for the State.

Order On Board

29/07/2015

Heard.

The applicant is apprehending his arrest in connection with Crime No.12/2013 registered at Police Station City Kotwali, Tahsil & District Bemetara for alleged commission of offence under Section 420/34 of IPC.

2. Prosecution case is that the applicant and other co-accused obtained signatures of the complainant on blank papers and in his name, loan case was prepared and amount got sanctioned.

3. Learned counsel for the applicant submits that the report lodged by the complainant is false, fabricated and afterthought to wriggle out of liability of repayment of loan in the matter of purchase of cement pole. He submits that the applicant is a supplier and the cement pole has been supplied to the complainant long back in the year 2005, which was used by the complainant in his agricultural activity. The complainant had obtained loan from the bank towards purchase of cement pole. When loan was not repaid, the bank initiated recovery proceedings and in order to make out a case in his favour to avoid repayment of loan, the

complainant came out with a case that he has not purchased the cement pole nor he had obtained loan from the bank. At this stage, after about 7 years, the complainant has lodged FIR against the applicant.

4. On the other hand, learned State counsel submits that the complainant has lodged a report stating that his signatures were obtained on blank papers for grant of loan, but the loan amount was not paid to him by the bank officials and they, in connivance with the applicant, misappropriated the whole loan amount.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that even according to the written complaint, the complainant had signed all the papers relating to supply of cement poles made by the applicant to the complainant in the year 2005, whereas the complaint has been lodged in the year 2013, during the pendency of recovery proceedings before the Debts Recovery Tribunal, the applicant is entitled for grant of anticipatory bail.

6. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the arresting officer on furnishing a personal bond for a sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the arresting officer with following further conditions that:

- i. the applicant shall make himself available for interrogation by the police officer as and when required;
- ii. 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 facts to the Court or to any police officer.

Certified copy as per rules.

Sd/-

Manindra Mohan Shrivastava
Judge