

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No. 4208 of 2015**

Shiv Kumar son of Sadhu Ram Gandharva, aged about 50 years, R/o. Village Binouri, P.S. Masturi, District Bilaspur (CG)

---Applicant**Versus**

State of Chhattisgarh, Through: Station House Officer, City Kotwali, Bilaspur (CG)

---Non-applicant

For Applicant	:	Mr. Shailendra Dubey, Advocate.
For-Non-applicant	:	Mr. Ramakant Mishra, Deputy Advocate General

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****21/09/2015**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.109/2015, registered at Police Station-City Kotwali, District-Bilaspur (CG), for the offence punishable under Sections 420, 467, 468 and 471/34 of the IPC.

2. Case of the prosecution, in brief, is that, co-accused Chechad impersonating himself as Ratnu obtained Rs.3,00,000/- as loan from Bank of India in which the present applicant stood as guarantor and thereby committed the aforesaid offence.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in the case. He would further submit that loan has been disbursed in the name of Ratnu in which photograph is said to have been affixed by co-accused Chechad and

the present applicant under bonafide belief that complainant Ratnu has taken loan stood as guarantor. He would also submit that the present applicant has already deposited Rs.1,50,000/- in the bank, he is in jail since 29.6.2015 and charge-sheet is yet to be filed and therefore, he may be enlarged on bail.

4. On the other hand, learned State counsel would oppose the bail application and submit that the present applicant is Kotwar of village Binouri and therefore, he knew very well that loan is not being disbursed by Ratnu and by using papers of Ratnu co-accused Chachad has taken loan in which the present applicant stood as guarantor and thereby committed forgery and cheating and therefore, he is not entitled to be released on bail.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; the applicant being a Kotwar was well aware about the identity of co-accused Chechad and signed the loan document together with Chechad on 23.1.2013 knowing well that co-accused Chechad is not Ratnu and amount of Rs.3,00,000/- got disbursed in which the applicant stood as guarantor, this Court is not inclined to release the applicant on regular bail.

7. Accordingly, bail application filed under Section 439 of the Cr.P.C. is rejected.

8. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE

B/-