

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6080 of 2015

1. Shyam Rao Udupure, S/o. Bahi Ram Udupure, Aged About 55 Years, R/o. Housing Board Colony, Rajnandgaon, Police Station & Tehsil Rajnandgaon, Civil & Revenue District Rajnandgaon, Chhattisgarh.
2. Shiv Shankar Vishvakarma, S/o. Heera Ram Vishvakarma, Aged About 53 Years, R/o. Shivmurty Apartment Mumbai (Maharashtra).

---- Applicants

Versus

State Of Chhattisgarh, Through: Police Of Police Station Sihava,
District Dhamtari, Chhattisgarh

---- Respondent

For Applicants : Mr. Y.C.Sharma, Advocate

For Respondent : Mr. Ramakant Mishra, Dy. A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

18/11/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.55/2015 registered at Police Station- Sihava, District Dhamtari (C.G.) for the offence punishable under Sections 406, 409, 411, 420, 467, 468, 471 and 120(B) of Indian Penal Code.
2. As per the prosecution case one Santosh Kumar and Manoj Kumar convinced one Puran Singh to get loan from Antavyavasai Sahkari Vikas Samiti. Thereafter, they along with Puran Singh went to Antavyavasai Sahkari Vikas Samiti to get loan sanctioned. Subsequently, Puran Singh was taken to the show room of the

Tractor his photograph were taken out with the Tractor and thereafter he was assured that the Tractor would be sent to his residence. He was sent back along with amount of Rs.10,000/-. Subsequently, Tractor did not reach to Puran Singh and instead for non payment of installment he received the notice and thereafter report was made. However, on enquiry it was revealed that at the relevant time Applicant No.1- Shyam Rao Udupure was working as Field Officer whereas Applicant No.2- Shiv Shankar Vishvakarma was working as A.G.-III in the Antavyavasai Sahkari Vikas Samiti.

3. Learned counsel for the applicants submits that the loan actually was sanctioned to the beneficiary/ loanee and some of the installments were also paid and it cannot be stated that the applicants have committed any offence under the aforesaid sections. He further submits that the charge sheet in this case has already been filed and the applicants are in jail since 01.09.2015, therefore, they may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into fact that the charge sheet in this case has been filed and all the evidence are documentary in nature and further considering the detention of the applicants as they are in jail since 01.09.2015, I am inclined to release the applicants on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.

8. It is directed that the applicants shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Ashok