

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6162 of 2015

Hemraj Meshram, S/o. Late Ram Chandra Meshram, Aged About 55 Years, R/o. Supela, Jawrasta, Ward No.5, Near Hanuman Mandir, Supela, Bhilai, District Durg (Chhattisgarh)

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station : Sihawa, District : Dhamtari (Chhattisgarh)

---- Respondent

For Applicant : Mr. C.R.Sahu, 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 applicant who has been arrested in connection with Crime No.55/2015 registered at Police Station- Sihawa, 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 the applicant Hemraj Meshram being the Agent in the Antavyavasai Sahkari Vikas Samiti facilitate to get the loan sanctioned and prepare the documents.

3. Learned counsel for the applicant 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 applicant has committed any offence under the aforesaid sections. He further submits that the applicant has falsely been implicated in this case and he is not named in the FIR and there is no clinching evidence available against the applicant. He would submit that the charge sheet in this case has already been filed and the applicant is in jail since 07.08.2015, therefore, he 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 applicant as he is in jail since 07.08.2015, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one

surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Ashok