

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 275 of 2016

Hardayal Chandrakar S/o Panchram Chandrakar Aged About 47
Years R/o Village Bandha, Police Station Lalpur, Tehsil Lormi, Civil
& Revenue District Mungeli, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through : Station House Officer, Police
Station Jarhagaon, District Mungeli, Chhattisgarh

---- Respondent

For applicant – Shri P.P. Sahu, Advocate.
For Respondent/State –Shri Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

22/03/2016

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No.45/2016 registered at Police Station Jarhagaon, Mungeli District Mungeli (C.G.) for offence punishable under 420, 467, 468 & 471/34 of Indian Penal Code.
2. As per the prosecution case a complaint was made by one Surja Bai who was second wife of Bhaiyalal that co-accused Chitra Bai who is daughter of Bhaiyalal from the first wife had obtained a loan of Rs.40,000/- in the name of Surja Bai from Seva Sahkari Samiti, Bhatlikala by putting her forged signature over the document and this fact came to the notice of the complainant when notice of demand was served from the bank to repay the loan and it is alleged that co-accused Chitra Bai in connivance with this applicant who is Manager of Seva Sahkari Samiti, Bhatlikala has prepared forged document of loan.
3. Learned counsel for the applicant submits that Surja Bai wife of Bhaiyalal had obtained loan along with Chitra Bai from Seva Sahkari Samiti, Bhatlikala and loan documents were signed and loan was

disbursed. However, during subsequent period some dispute arose claiming property of Bhaiyalal. Son of complainant Surja Bai namely Chitrakant had filed an appeal before the SDO to delete name of co-accused Chitra Bai from the revenue record of the property of late Bhaiyalal. Appeal having been dismissed, this report is made. He therefore submits that entire allegations are false in nature and the applicant has not done any criminal act, therefore the applicant may be granted benefit of anticipatory bail.

4. Learned State counsel opposes the prayer for grant of bail.

5. I have perused the case diary and the documents. Case diary contains documents which prima facie shows that loan was disbursed to Surja Bai. Considering the monetary transaction and inter relation between the parties, also considering the nature of complaint and role played by this applicant, I am inclined to extend benefit of anticipatory bail to the applicant.

6. Accordingly, the anticipatory bail application is allowed and 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 officer arresting him on executing a personal bond in sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions:-

- (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that 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/her from disclosing such facts to the Court or to any police officer;

- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
JUDGE