

COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C. (A) No. 290 /2016

Sunaina Devi, W/o. Manohar Tamrakar, Aged About 45 Years, Caste Thathera, R/o. Tapkara, Post Tapkara, Tahsil Farsabahar, District Jashpur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Office, Police Station Kunkuri, District Jashpur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Madhunisha Singh, Advocate

For Respondent : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22/03/2016

1. Apprehending arrest in connection with Crime No.35/2016 registered at Police Station- Kunkuri, District Jashpur (C.G.) for the offence punishable under Section 420 of Indian Penal Code, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, in brief, the complainant Likhanram made a report that he received a recovery notice from the Allahabad Bank, consequently, on enquiry, it was found that the loan was sanctioned in his name of Rs. 3 Lakhs for purchase of Tractor. It was alleged that when the finance was made, he accompanied alongwith the applicant wherein the complainant was made to understand that he was a Guarantor, however, when the notice came and the complainant enquired, it was found that the loan was sanctioned in his name.

3. Learned counsel for the applicant would submit that actually the loan was availed by Tofar Tirkey & Sanjay Tirkey for purchase of Tractor wherein the complainant Likhanram stood as a Guarantor and subsequently the Tractor was given on lease to this applicant who had paid Rs.3 Lakhs to the Bank and the applicant has no relation with the complainant. It is further submitted that the applicant had made a report to the Collector, Jashpur on 14.07.2015 wherein Tofar Tirkey & Sanjay Tirkey have assaulted the applicant and after such report, the present report has been made. She therefore submits that even taking the allegation, the dispute is of civil in nature and as such the applicant may be enlarged on anticipatory bail.
4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.
5. Perused the report and the FIR made by Likhanram wherein it is stated that in the year 2004, he went alongwith the applicant to Allahabad Bank, it was discovered that loan has been stated to be availed by the applicant though initially he was given the impression that of Guarantor. The recovery notice shows the applicant as Borrower. Also perused the statement of Pramod Kumar Shukla, the Branch Manager, wherein it is stated that the loan was sanctioned in name of Likhanram, the complainant. Considering the allegations, it appears that the issue needs to be investigated, therefore, it is not a case where the custodial interrogation of the applicant may not be required, consequently, I am not inclined to enlarge the applicant on anticipatory bail.
6. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is dismissed.

