

HIGH COURT OF CHHATTISGARH, BILASPUR**Miscellaneous Criminal Case No.2658 of 2016**

Mukesh Kumar Kurre, aged about 38 years, son of Shri Sammat Ram Kurre,
R/o Village Binouri, Post Pachpedi, P.S. Masturi, District Bilaspur,
Chhattisgarh

---- Applicant

versus

State of Chhattisgarh through S.H.O. Police Station Masturi, District Bilaspur,
Chhattisgarh

---- Respondent

For Applicant	:	Smt. Meena Shastri, Advocate
For State/Respondent	:	Shri Vivek Sharma, Government Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

8/6/2016

1. This is an application filed under Section 439 Cr.P.C. for grant of regular bail to the Applicant, who has been arrested in connection with Crime No.200 of 2015 registered at Police Station Masturi, District Bilaspur (Chhattisgarh) for the offence punishable under Sections 419, 420, 467, 468, 471, 120-B IPC. The Applicant is in jail since 3.12.2015.

2. As per the prosecution case, the present Applicant is said to have got opened a Bank account with District Cooperative Central Bank Limited, Bilaspur, Branch Malhar on 3.7.2014 affixing photograph of his wife Tulsa Bai projecting her to be Dukhni Bai and obtained a loan of Rs.1,03,000/- from the said Bank in the name of Dukhni Bai. It is the further allegation that the present Applicant has also identified his wife as Dukhni Bai and not as Tulsa Bai. On this fact coming to the notice of Dukhni Bai, she made a complaint on the basis of which a case has been registered against the present Applicant and his wife Tulsa Bai.

3. Learned Counsel for the Applicant submits that the present Applicant is an innocent person, he has not committed any offence and he

has been falsely implicated in the instant case. Complainant Dukhni Bai is his neighbour and because of some family dispute he has been falsely implicated in the case. He is in jail since 3.12.2015. Therefore, he may be released on bail.

4. On the other hand, Learned Counsel for the State opposes the bail application and submits that the application for anticipatory bail under Section 438 Cr.P.C. preferred by Tulsa Bai, the wife of the present Applicant, which has been allowed by this Court on 19.11.2015, shows that the entire allegation is on the present Applicant and she had no role whatsoever to play in commission of the offence. He further submits that it is the case where the Applicant used photograph of his wife Tulsa Bai and projected her to be Dukhni Bai for opening the Bank account and getting the loan of Rs.1,03,000/-. He further submits that this is not a fit case for release of the Applicant on bail.

5. I have heard Learned Counsel appearing for the parties.

6. Without commenting on merits, considering the totality of the facts and circumstances of the case, the nature of allegation levelled against the present Applicant, more particularly the averment made by the wife of the Applicant in her application for grant of anticipatory bail, this Court is of the opinion that the present is not a fit case in which the Applicant could be enlarged on regular bail, particularly when the evidence in the case has already been started before the trial Court.

7. Accordingly, the bail application stands rejected.

Sd/-
(P. Sam Koshy)
Vacation Judge