

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 925 of 2016**

Jitendra Kumar, S/o Late Shri Rambahadur, aged about 27 years, R/o village Jamira, PS Kusmi, Distt. Balrampur-Ramanujganj (C.G.)

---- Applicant

Versus

State Of Chhattisgarh Through the State House Officer, PS Kusmi, Distt. Balrampur – Ramanujganj (C.G.)

---- Non-applicant

For Applicant : Shri Jitendra Shrivastava, Advocate

For Non-applicant/State: Shri O.P. Sahu, Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****03/03/2016**

(1) Heard.

(2) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 115/2014 registered at Police Station – Kusmi, Distt. Balrampur, Ramanujganj for the offences punishable under Sections 417, 420, 467, 468, 471, 120-B and 409 of the Indian Penal Code.

(3) As per the prosecution case, it is alleged that the applicant obtained certain papers of property from one Sallu, S/o Nageshiya and one Goverdhan to prove them loan and thereafter, loan was not given, however, when recovery notice was served one person namely Somnath Bhagat, made an enquiry and subsequently, a report was made. During investigation, it came to fore that the applicant has taken documents of property and at one

point of time, the persons also went alongwith them to sign and affixed their thumb in the bank, however, no loan actually was taken.

(4) Learned counsel for the applicant would submit that he has been falsely implicated in the case as the persons in whose name the loan has been said to be obtained has not lodged the complaint. He would further submit that though the allegations of Rs. 99,000/- of loan has been stated but actually the loan was granted to the lonee and they had also withdrawn the same. Therefore, he prays that the applicant may be released on bail.

(5) On the other hand, counsel for the State opposes the bail application.

(6) Taking into consideration the facts & circumstances of the case; extent of delay in lodging the FIR; role of the present applicant in the offence in question; further considering his pre trial detention; charge sheet has already been filed and that the co-accused person have already been released on bail by this court, this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(7) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to 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/-
(Sanjay K. Agrawal)
Judge

D/-