

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 301 /2016

1. Gulab Shankar, S/o. Santram, Aged About 18 Years, R/o. Matiyadand, Chowki Kotmi, Police Station Pendra, District Bilaspur, Chhattisgarh.
2. Ravi Shankar, S/o. Santram, Aged About 19 Years, R/o. Matiyadand, Chowki Kotmi, Police Station Pendra, District Bilaspur, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh, Through Police Chowki Kotmi, Police Station Pendra, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. A.K. Yadav, Advocate
For Respondent	:	Mr. Anupam Dubey, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

26/04/2016

1. Apprehending arrest in connection with Crime No.56/2016 registered at Police Station- Pendra, District Bilaspur (C.G.) for the offence punishable under Section 420, 467, 468, 471 read with Section 34 of Indian Penal Code, the applicants have preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. Case of the prosecution, in brief, the applicant No.1 Gulab Shankar had approached to Kamal Sai and told him that he will get him a loan of Rs.1,00,000/- and thereafter certain documents were signed and Rs.1,00,000/- was obtained by Gulab Shankar in name of Kamal Sai though actually it was not received by Kamal Sai and thereby the false personification was made. Likewise, the allegation against the applicant No.2 Ravi Shankar is that he alongwith other accused approached to Tribhuwan to get him loan and when the loan was sanctioned, out of the first installment of

Rs.40,000/-, Rs.30,000/- was taken away by him. The aforesaid loan was taken under the scheme of Ant-vyawasayee Yojna.

3. Learned counsel for the applicants submits that the loan which was availed in the name of Kamal Sai has been totally returned to him and he relied on the document Annexure A-3 wherein it is stated by Kamal Sai that he do not want to prosecute any case against Gulab Shankar, as the entire loan amount has been paid. With respect to Ravi Shankar, it has been stated that only Rs.30,000/- was taken by him without playing any fraud and it was taken in the form of loan as he was in need, therefore, the applicants may be enlarged on anticipatory bail.
4. On the other hand, learned State counsel opposes the prayer for grant of anticipatory bail.
5. On the earlier occasion, learned State counsel was directed to verify the fact as to whether the complainant Kamal Sai has withdraw his complaint for the reasons that Gulab Shankar has paid the entire loan outstanding of the Bank. The report has come wherein it is stated that entire loan is repaid and Kamal Sai had affirmed the execution of the document Annexure A-3, which is filed along with the bail application.
6. Perused the case diary and also the statement of Kamal Sai wherein it is stated that the entire loan of Rs.1,00,000/- has been paid. Likewise, in the statement of Tribhuwan, it has been stated that after the loan was sanctioned initially an amount of Rs.40,000/- was paid and the applicant No.2 has taken an amount of Rs.30,000/- for the reason to get his house constructed. Therefore, taking into consideration the statements and the allegation leveled against the applicants, I am inclined to enlarge the applicants on anticipatory bail.

7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on furnishing a personal bond to a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :

- (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that the applicants 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 applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge