

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7253 of 2017**

Akash Sharma S/o Shri Rajendra Prasad Sharma Aged About 30 Years R/o Village Kesala, Post Khrora, Tahsil Tilda, District Raipur Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Thana - Nevara - Tilda District Raipur Chhattisgarh.

---- Respondent

For the Applicant	:	Ms. Sharmila Singhai and Shri Sanjay Agrawal, Advocates.
For the Respondent/State	:	Shri Shashank Thakur, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****14.12.2017**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 80 of 2017, registered at Police Station Nevara-Tilda, District Raipur, Chhattisgarh for the offence punishable under Sections 420, 467 and 468/ 34 of the Indian Penal Code.

2. Learned counsel for the applicant submit that the applicant has been falsely implicated in this case. The applicant had taken a loan from Indian Overseas Bank for which the mother of applicant - Smt. Rama Sharma had been a guarantor who had mortgaged her landed property for the transaction of the said loan. As the fact is that the said mortgaged property has been disposed off by the power of attorney holder of the mother of the applicant, for which the applicant cannot be held responsible. The applicant is still

repaying the loan of the Bank. The applicant is a local resident and he is ready to abide by all the conditions that may be imposed on him. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the applicant had been a witness to the power of attorney by her mother in the year 2015 which shows about the intention of the mother to defraud the bank. Hence, the applicant is not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. The case against the applicant as mentioned herein above shows that the applicant had been the beneficiary of the said loan transaction. On an inspection made by the Bank the disposal of the mortgaged property was discovered and the FIR was lodged against the applicant and his mother.

6. Considering all the submissions and the contents of the case-diary, taking into consideration the fact that the applicant is a local resident and there shall be no difficulty in his availability during trial and the trial of the case is likely to take some time for its final disposal, the application deserves to be allowed.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge