

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 362 of 2017**

- Prashant Kumar Swain S/o Bhagwan Swain Aged About 40 Years R/o Gandhi Chowk, Barraj Nagar, Police Station Brajraj Nagar, District- Jharsuguda, Odisha

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Civil Lines, Bilaspur, Chhattisgarh.

---- Non-applicant

For Applicant:	Mr. B.D. Guru, Advocate
For State:	Mr. B. Gopa Kumar, Dy. Advocate General

SB: Hon'ble Shri Justice P.Sam Koshy**Order On Board****18.05.2017**

1. Apprehending arrest in connection with Crime No. 56/2016 registered at Police Station- Civil Line, District - Bilaspur (C.G.), for offence punishable under Sections 409, 420, 467, 471, 120(B) of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. The case against the present Applicant as per the prosecution is that the Applicant is said to have stood as guarantor of the main accused Vikash Sharma who had obtained loan from the L&T Finance Limited for five heavy vehicle trucks. Subsequently, there was default on part of the main accused Vikash Sharma in repayment. Thereafter, appropriate remedy have been taken by the Finance Company for recovering the same. Meanwhile, the

present Applicant also been noticed for offence of committing fraud. Meanwhile, it has been found that one of the staff namely accused Abhishek Mohanti is said to be the main accused in as much as it was he who had facilitated in providing loan to Vikash Sharma. It is alleged that it was he who was in the habit of using documents of other applicants who had sought for loan in the company and using their documents he has facilitated grant of loan to other applicants.

3. Learned Counsel for the Applicant at this juncture makes a categorical submission that the present Applicant in fact does not know the main accused Vikash Sharma in any manner. He never stood as guarantor for Vikash Sharma. The only act which has been done by the present Applicant is that he had in the past applied for some financial assistances for purchase of vehicle at the same office and for which he had submitted certain documents. It is alleged that the same documents appears to have been used for the purpose of facilitating loan to Vikash Sharma.
4. A perusal of the case diary reflects that there was another guarantor namely Rajiv Kapoor who stood guarantor for Vikash Sharma. In so far as the case of Rajiv Kapoor is concerned the case of the prosecution is that perhaps the said Rajiv Kapoor had never stood as guarantor for Vikash Sharma and there are some documents which were somehow obtained by the other accused and used the same for grant of loan to the Vikash Sharma.
5. Learned Counsel for the Applicant submits that it is a case where the case of the present Applicant is identical to that of Rajiv

Kapoor. The present Applicant had on earlier occasion applied for financial assistance from the said Finance Company which appears to have been misused by the other accused for providing loan to Vikash Sharma.

6. Taking into consideration the aforesaid facts and circumstances of the case and also considering the stand which the present Applicant has taken of disowning Vikash Sharma totally and that he also makes a statement of his documents being misused by the other accused persons, this Court is of the opinion that prima facie a strong case for grant of anticipatory bail has been made out.
7. Accordingly, the MCRCA is allowed.
8. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :
 - (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that the applicant 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 applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

(P. Sam Koshy)
JUDGE

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