

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 266 of 2018

Sukhchain Kumar Mishra, Son Of Gaurishankar Mishra, Aged About 49 Years, R/o. Bhandarpara Sorga, Police Station Patna, Tahsil- Baikunthpur, District -Korea, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Of Police Station -Patna, District- Korea, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Anil Gulati, Advocate
For Respondent	:	Mr. Anupam Dubey, Dy. Govt. Advocate
For Objector	:	Mr. Sumit Shrivastava, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

27/02/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 275/2017, registered at Police Station- Patna, District – Korea (C.G.) for the offence punishable under Section 420, 467, 468, 471 and Section 386 of the Indian Penal Code and Section 3, 4 of Karja Act and Section 3, 2 (अ) (ई), 3 (2) (5) of Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act.
2. It is submitted by the learned counsel for the applicant that applicant has been falsely implicated in this case, applicant is in jail since 15.11.2017, charge-sheet after completion of investigation has been

filed. Due to some financial transaction between the applicant and the complainant, the dispute arose, which has now been settled, hence, it is prayed that the applicant be enlarged on regular bail.

3. Learned State counsel opposes the application and the submission made in this respect. It is submitted that the applicant is doing business of unauthorized money lending and as he exploited economically the weaker section of the society, he is not entitled for grant of bail.
4. Counsel for the objector submits that matter has been settled between the applicant and the complainant in this case and the complainant has no objection, if the bail is granted to the applicant.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. As per the prosecution case, the complainant Ramnath made a written complaint in Police Station -Patna, District – Korea stating that he had borrowed Rs.50,000/- from the applicant on condition of payment of interest @ 20%. It was stated that complainant had returned all the principle amount along with the interest, even then the applicant was harassing him. Applicant putting the complainant under threat forcefully obtained his pass-book, cheque-book with signed cheques and on that basis, FIR was lodged against this applicant. Charge-sheet has been filed after completion of investigation.
7. Considered the submissions made and the contents of the case diary. Further considering on the entire material present in the case diary and also on the submission made by the counsel for the objector. Looking to the development of things and considering on the statement made by the counsel for the complainant, this Court is

inclined to release the applicant on bail.

8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
9. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.
10. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge