

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8016 of 2017

- Ramratan S/o Dharam Singh Kenwat Aged About 40 Years R/o Village Durumgarh, Police Station Bilaigarh, District Balodabazar- Bhatapara Chhattisgarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Bilaigarh, District Balodabazar- Bhatapara Chhattisgarh, Chhattisgarh

---- Respondent

For Applicant : Mr. L.C. Das, Advocate.
For Respondent : Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

05/03/2018

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.414/2017, registered at Police Station– Bilaigarh, District– Balodabazar, Bhatapara(C.G.) for the offence punishable under Section 420 of Indian Penal Code (for short 'IPC').
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. There had been a money transaction between the applicant and the complainant. As the applicant could not repay the same to the complainant then the false FIR has been lodged against him. Applicant is still ready to repay the loan taken from the complainant. Hence, it is prayed that applicant may be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. Complaint was made by complainant Lekhram Patel, who is blind by birth, that he had some amount with him, received from the sale of his lands. Applicant borrowed Rs.5,50,000/- from the complainant for the reason that he had to construct the house in the year 2013. Subsequent to that applicant did not return the money to the complainant because of which FIR was lodged against him.
6. There is mention of compromise in the order passed by the Sessions Judge, Baloda Bazar, rejecting the bail application and also that the argument on behalf of the applicant has substance in this respect that the case is based on a money transaction. Hence, under these circumstances and looking to the willingness of the applicant to repay the borrowed amount to the complainant, I am of this view that this is a fit case where applicant should be released on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his 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.

Sd/-
(Rajendra Chandra Singh Samant)
Judge