

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.A No. 992 of 2017**

- Nasim Asdak S/o Abdul Garfar Aged About 40 Years By Caste Musalman, R/o Ward No. 15, Premabagh Baikunthpur, Thana And Tahsil Baikunthpur District Koriya Chhattisgarh, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Baikunthpur District Koriya Chhattisgarh. , Chhattisgarh

---- Respondent**And****M.CR.C.A No. 1043 of 2017**

- Roshan Sonwani S/o Manilal Sonwani, Aged About 22 Years R/o Village Salka, Police And Tahsil Baikunthpur District Korea Chhattisgarh , Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Office, Police Of Police Station Baikunthpur District Korea Chhattisgarh , Chhattisgarh

---- Respondent**And****M.CR.C. No. 992 of 2018**

- Veernarayan Sahu (Wrongly Mentioned As Beernaryan Sahu) S/o S/o Late Bhaiyalal Sahu, Aged About 42 Years R/o Village Mandalpara, Police Station And Tahsil Baikunthpur District Korea Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station Baikunthpur District Korea Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh

---- Respondent

For the Applicants : Shri Parag Kotecha,
& Shri Anil Gulati, Advocates

For the Respondent/State : Anil Vivek Singhal, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

07.02.2018

1. Since the above anticipatory bail application and regular bail application arise out of the same crime number and same offences, they are being disposed of by this common order.
2. The applicants in MCRC(A) No.992 of 2017, and MCRC(A) No.1043 of 2017 have preferred this bail applications under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.282/2017 registered at Police Station- Baikunthpur, District – Koriya (C.G.), for the offences punishable under Sections 420, 467, 468, 471, 409, 120 B / 34 of the Indian Penal Code (for short 'IPC').
3. The regular bail application of applicant- Veernarayan Sahu in MCRC No.992 of 2018, is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail. As the applicant has been arrested in connection with same crime number and offences which is mentioned above.
4. Learned counsel for the applicants submits, that all the applicants are innocent and have been falsely implicated in this case, hence, it is prayed

that all the applicants may be enlarged on bail.

5. It is submitted that the applicant - (Roshan Sonwani) in MCRC(A) No.1043 of 2017, is physically challenged person and he was sanctioned loan C.G. Nisaktjan Vitt Evam Vikash Nigam, Rs. 4,50,000-/. As allegation is that the applicant misappropriated amount sanctioned in loan, no case is made out as allegation is misconceived, the applicant -(Roshan Sonwani) is still fastened with the liability to repay the loan, hence, no case of cheating, misappropriation or defalcation is made out.
6. The applicant- Veernarayan Sahu in MCRC No.992 of 2018, had been a clerk in the Social Welfare Department and had acted in performance of the duty by issuing the cheque and verifying the documents submitted regarding the purpose of loan. The applicant is in jail since, 24.01.2018, and he is ready to abide by the conditions which may be imposed upon him while granting bail, hence, the applicant prays for grant of bail.
7. Learned counsel for the respondent/State opposes the applications and submits, that the applicant (Roshan Sonwani) made a complaint to Collector that he has not received the full amount of the loan sanctioned in his favour. On which, an inquiry was made and it was reported by the inquiry committee, that sanctioned loan was misappropriated by the beneficiary with the help of the co-accused persons. The purpose of the loan was sanctioned to purchase the clothes for opening the shop, but for the same false bills and vouchers were submitted by the co-accused (Nasim Asdak) and the clerk of the Social Welfare Department, the applicant – Veernarayan Sahu collaborated with the other accused persons. The applicant (Roshan Sonwani) himself has stated that he has received Rs. 4 lakhs through cheque from the applicant (Nasim Asdak). It is a clear case of

cheating and misappropriation, hence, no case is made out for grant of anticipatory bail or regular bail.

8. Heard both the parties and perused the case diary.
9. Case against the applicants are briefly discussed in the submissions made by the counsels for both the parties.
10. Considering this fact that the loan amount was sanctioned in favour of the applicant (Roshan Sonwani) for which he has liability to repay the same, even though purpose of the sanctioned loan has not been carried out by any of the applicants. Hence, taking into consideration all the facts and circumstances of the case, I am of this view that applicant - (Roshan Sonwani) in MCRC(A) No.1043 of 2017, Applicant - (Nasim Asdak) in MCRC(A) No.992 of 2017, deserve to be benefited with anticipatory bail and applicant- (Veernarayan Sahu) in MCRC No.992 of 2018, also deserve to be enlarged on regular bail.
11. Accordingly, the anticipatory bail application of applicants in MCRC(A) No.1043 of 2017 and MCRC(A) No.992 of 2017 are allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offences, they shall be released on bail by the officer arresting them on their executing a personal bond in the sum of Rs.25,000/- each with one surety 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.

12. Likewise, the regular bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that applicant- Veernarayan Sahu in MCRC No.992 of 2018 shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court concerned, for his appearance as and when directed.

Sd / -
(Rajendra Chandra Singh Samant)
Judge

Jamal