

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 6383 of 2017

- Chainulal Sahu S/o Ramsohagil Sahu, Aged About 30 Years R/o Village New Changorabhatha, District Raipur, Chhattisgarh.

----Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station City Kotwali, District Bilaspur, Chhattisgarh.

---- Respondent

And

M.Cr.C. No. 7438 of 2017

- Ramavatar Sharma S/o Shri Jai Ram Prasad Sharma, Aged About 55 Years R/o 54/1056, Shanti Vihar Colony, Daganiya, Behind Shitla Mandir, P. S. D. D. Nagar, Raipur, District Raipur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House City Kotwali, Bilaspur District Bilaspur Chhattisgarh.

---- Respondent

For the Applicants : Shri Dharmesh Shrivastava
& Shri Vinay Pandey,
Advocates.

For the Respondent/State : Anil S. Pandey, GA.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

09.01.2018.

1. Both the applications are heard and decided together by this common, order, as both the bail applications are arising out the same crime number and offences.
2. These are the first bail application for grant of bail to the applicants who have been arrested in connection with Crime No. 339/2017 registered at Police Station – City Kotwali, Bilaspur, District - Bilaspur (C.G), for the offences under Sections 419, 420, 467, 468, 471, 120 -B, 34 of the Indian Penal Code.
3. Learned counsel for applicant – Ramavtar Sharma in M.Cr.C No. 7438 of 2017 submits that the applicant has been falsely implicated in this case, no offence is made out under Section 420 of I.P.C, the case has been registered against the applicant only for the reason, that the installment for repayment of loan was not paid. Applicant had been an employee of Aditiya Jain and it was Aditiya Jain who has made use of the photos and pan card, etc., without consent and knowledge of the

applicant. He is in jail since 14.08.2017 and ready to abide by all the conditions which may be imposed while granting bail to the applicant, therefore, it is prayed that he may be enlarged on bail.

4. For Chainulal Sahu in M.Cr.C No. 6383 of 2017, similar argument has placed by counsel for the applicant, that the applicant had been an employee of Ashish Raj Shukla and it was Ashish Raj Shukla who has made use of the bank account of the applicant without his consent and knowledge. The applicant is innocent and no case is made out against him on the material of the prosecution case, therefore, it is prayed that the applicant may be enlarged on bail.
5. Learned counsel for the State opposes the bail applications and the submissions made.
6. Heard counsel for both the parties and perused the case diary.
7. The case against the applicants is this, that the main accused – Alok Kanungo, who is known by different names opened an account in Dena Bank, Bhilai in the name of Foster Automobiles, after sanction of loan, the amount from the said account was transferred to the account of the applicant- Chainulal Sahu by Alok Kanungo and then the same was withdrawn, and misappropriated by him alongwith co-accused Ashish Raj Shukla. In the similar case Alok Kanungo presented the applicant Ramavatar Sharma as Jitesh Shah and Vijay Shukla as Ritesh Shah for getting sanction of loan for the purchase of 02 JCB machines, after the loan was sanctioned the amount was withdrawn and misappropriated by him.

8. Considering the submission and contents of the case diary and taking into consideration this fact that the role of the applicants in this case, that they were in the employment of the main accused persons when the offences of fraud, forgery, cheating and misappropriation was committed, this Court is of the opinion that this is a fit case, where the applicants in both the cases are entitled for grant of bail.
9. Consequently, both the applications M.Cr.C. No. 6383 of 2017 and M.Cr.C. No.7438 of 2017 filed under Section 439 of the Cr.P.C. are hereby allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd /-

(Rajendra Chandra Singh Samant)
Judge