

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4513 of 2018

- Dinesh B. Nair S/o Shri E. V. Naiar Aged About 41 Years R/o- Kota Housing Board Colony, Shri Ram Vatika, Near House Of Kartik Rao, Near Suyash Hospital, P.S.- Saraswati Nagar, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Mandir- Hasod, Civil And Revenue District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Adil Minhaj, Advocate.
For Respondent	:	Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

11/07/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.91/2018 registered at Police Station- Mandir-Hasod, District – Raipur(C.G.) for the offence punishable under Sections 420, 467, 468 & 471/34 of the Indian Penal Code.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. He is in jail since 8.3.2018. After completion of investigation, charge-sheet has been filed. In fact the transaction between the applicant and co-accused with

the complainant was purely a civil transaction about the loan. As the applicant could not repay the loan in time, a false FIR has been lodged against him. 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. It is submitted that looking to the evidence present in the case diary, he is not entitled for grant of bail.
4. I have heard both the parties and perused the case diary.
5. According to prosecution case, the applicant and one co-accused Khubchand Dewangan borrowed Rs.27 lakh from the complainant Anil Mahobia as loan for the purpose of developing some project, regarding which a written agreement was executed on 16.10.2017 as the amount was to be repaid within two months and it is not paid by the applicant and the co-accused person, hence, the cheques given in security by the applicant were presented in the bank, which were dishonored, therefore, the FIR has been lodged.
6. Considering on the material present in the case diary, the applicant is local resident of District-Raipur and the trial against him is getting delayed, for these reasons, I am of this view that this is a fit case where the applicant should be benefited with grant of 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

