

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C. No. 4634 of 2018**

Shrichand Wadhwani, S/o. Late Suganchand Wadhwani, Aged About 54 Years, R/o.- Ridhi-Sidhi Colony, House No. 31, Phase-3, Rajnandgaon, P.S.- Basantpur, Rajnandgaon, District- Rajnandgaon, Chhattisgarh.

---- Applicant

**Versus**

State Of Chhattisgarh, Through- Police Station- Basantpur, Rajnandgaon, District- Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant : Mr. Vishnu Koshta, Advocate  
For Respondent : Mr. Anupam Dubey, Dy.G.A.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order On Board****25/07/2018**

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.142/2018, registered at Police Station- Basantpur, District – Rajnandgaon (C.G.) for the offence punishable under Section 420 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. Applicant is in jail since 21.04.2018. It is further submitted that the applicant is a broker and he has helped the complainant and others in procuring loan from the bank. A total false allegation has been made that this applicant has received money in advance from the complainant and others by way of inducement.

Whereas, the applicant has initiated the proceeding for grant of loan before the concerned bank and the complainant and others have been benefited by grant of loan. Hence, it is prayed that the applicant may be enlarged on bail.

3. On the other hand, the learned counsel appearing for the State opposes the bail application and the submission made in this respect. It is submitted that it is clear that this applicant has received about Rs.16.60 Lakhs from the complainant and various others on pretext that he will help them in procuring loan from the bank and has not done anything in that respect. Hence, the applicant is not entitled for grant of bail.
4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. According to the prosecution case, the complainant Lilavati and others have alleged that they approached this applicant to help for procuring loan from the bank, to which the applicant agreed and in advance he obtained Rs.3.50 Lakhs from Lilavati and Rs.1.00 lakhs from Parvati and similarly he obtained amount in advance from the other intended beneficiaries also. Later on as the beneficiaries could not get any loan from the bank, they have lodged the FIR.
6. Considered the submissions made and the contents of the case diary. Perusal of the documents shows that some proceedings have been initiated by this applicant for grant of loan to the beneficiaries and some loan have also been granted to the beneficiaries. Whether the act of this applicant amounts to offence of cheating or not shall be examined by the trial Court, but for the present as the charge-sheet has been filed, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. 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.

Certified copy as per rules.

**Sd/-**  
**(Rajendra Chandra Singh Samant)**  
Judge