

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4726 of 2018

- Manoj Sengupta S/o Biraj Mohan Sengupta Aged About 44 Years R/o Village Ward No.16, Gitti Dafai Haldibadi, P.S. Chirmiri, Tehsil Khadgawa, District Koriya, Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Thorough S.H.O., P.S. Chirmiri, District Koriya, Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh

---- Responden

For Applicant	:	Mr. Shakti Raj Sinha, Advocate.
For Respondent	:	Mr. Anil S.Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

24/07/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 120/2018 registered at Police Station– Chirmiri District– KoriyaC.G.) for the offence punishable under Section 420/34, 467, 468, 471, 120B of the Indian Penal Code and Section 4 Loan Act.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. He is in jail since 7.6.2018. No case is made out against him. It is submitted that the complainant had obtained loan from one Shiv Kumar Verma and

issued certain cheques to him towards repayment of said loan. As one of the cheques issued by complainant was dishonoured by the bank, therefore, the complainant was prosecuted and convicted by the Court below concerned. He further submits that after filing of complaint under Section 138 of the Negotiable Instruments Act, 1881, the complainant has lodged FIR against the applicants. Hence, it is prayed that the applicant be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that this applicant is a member of the racket involved in money lending and realizing double tripple of money from the borrowers in various manners. They used to misuse the blank cheques obtained from the borrowers towards security of loan and in case the cheques are dishonored then the borrowers are also prosecuted under Section 138 of N.I. Act to harass the borrowers and realise the amount from them. Hence, the applicant is not entitled for grant of bail.
4. Heard both the parties and perused the case diary.
5. FIR has been lodged by complainant Reena Dey that as she had borrowed some amount from Shiv Kumar Verma, therefore, she had given some blank signed cheques of her husband namely Mahim Dey to said Shiv Kumar Verma. It is further alleged that even after repayment of the entire loan amount, the said blank cheques were not returned to the husband of complainant and the same has been misused by them for prosecuting the husband of complainant under Section 138 of N.I. Act. Hence, this case.
6. On due consideration of all the material present in the case diary and considering the fact that the trial against the applicant is likely to take

some time before its conclusion, therefore, I am of this view that this is a fit case where applicant should be enlarged 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 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

Nisha