

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 5945 of 2018**

Subhash Sharma, S/o. Shri Lokeshwar Sharma, Aged About 59 Years, R/o.-
H.I.G.C. 109A, Shailendra Nagar, Raipur, P.S. City Kotwali, Raipur, District-
Raipur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through- Station House Officer, P.S. Civil Lines,
Raipur, District- Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Amiyakant Tiwari, Advocate
For Respondent : Mr. Ashish Shukla, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****04/09/2018**

1. This is the second 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.272/2018, registered at Police Station- Civil Lines, Raipur, District – Raipur (C.G.) for the offence punishable under Section 420, 467, 468, 34 of the Indian Penal Code. The first bail application of the applicant was dismissed as withdrawn with liberty to file duly constituted petition vide order dated 01.08.2018, passed in M.Cr.C. No.5447/2018.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. Applicant is in jail since 02.04.2018. No

case is made out against him according to the material present in the charge-sheet and in fact the case is of civil nature. 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 the applicant had committed the offence of cheating, fraud and misappropriation of huge amount about Rs.12.00 Crores. Hence, looking to the magnitude of the offence committed, he is not entitled to be released on bail.
4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. The case of the prosecution in brief is this that this applicant mortgaged his property land and construction with Axis Bank to obtain loan of Rs.10.00 Crores along with over draft limit of Rs.2.00 Crores. This applicant has suppressed this fact from the bank before obtaining loan that property was already leased out to some other person. The loan against the applicant is still outstanding. Hence, the FIR has been lodged.
6. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the case diary, the property of the applicant was under tenancy at the time when the same was mortgaged and presently the property is in possession of the bank subsequent to the recovery proceeding that has been started against the applicant. Hence, after due consideration on all the material present on record, 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