

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5910/2018**

Nohar Singh Sonwani, S/o. Shri Kripal Singh Sonwani, aged about 59 years, R/o. Nearby Dayanagar, Shivnagar, Durg, Police Station, Tahsil and Distt. Durg (CG)

VERSUS

State of Chhattisgarh through District Magistrate, Durg, Distt. Durg (CG)

For applicant	Mr. Tarendra Kumar Jha, Adv.
For Respondent/State	Mr. Sangarsh Pandey, Dy. Govt. Adv.

Hon'ble Shri Justice Sharad Kumar Gupta

Order on Board**6-9-2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other court.
2. The applicant has been arrested in connection with Crime No. 138/2016 registered in police station Durg, Distt. Durg (CG) for offence punishable under Sections 420, 34 of the IPC.
3. Perused the case diary.
4. Prosecution story in brief is that one Kuleshwar Prasad Sahu is Dy. Branch Manager, Madappuram Finance Limited, Durg. The applicant was engaged in the affairs of the said branch for last 6 years. On 23-12-2016, the applicant, his wife and his daughter went to the said branch. Said branch gave Rs. 10,00,000/- to the applicant to redeem the gold which was pledged in Kantilal Jewelers, Durg and thereafter, said gold was to be pledged in the said branch. The applicant, his wife, his daughter, Kuleshwar Prasad Sahu went to the shop of Kantilal Jeweler. The applicant entered into shop of Kantilal Jeweler and Kuleshwar Prasad Sahu was waiting for him outside the shop. When the applicant did not return back from the shop and during inquiry the said jeweler told Kuleshwar Prasad Sahu that the applicant had repaid the loan of Rs. 10,00,000/-. The applicant neither pledged the gold in the said branch nor returned the amount of Rs.

10,00,000/- to the branch.

5. Counsel for the applicant submits that the applicant had given a cheque of Rs. 9.98 lacs. The said branch gave him notice under Section 138 of the Negotiable Instruments Act but they did not file complaint. No offence is made out under Section 420 of the IPC. He further submits that co-accused Smt. Rambha Sonwani and Sangeeta Sonwani have been enlarged on bail and his case is identical to that of co-accused persons. The applicant has been falsely implicated in the crime. Therefore, he may also be enlarged on bail.
6. On the other hand, the State Counsel appearing for the state opposed the bail application contenting that 3 more cases have already been registered against the applicant, out of which, one is under Section 403 of the IPC and 2 are under Section 420 of the IPC.
7. Prima facie, provisions of Section 420 of the IPC attract in the matter.
8. The applicant is main accused. Three more cases have been registered against him. His case is not identical to that of other co-accused persons who are enlarged on bail, instead his case is more severe to them.
9. Looking to the facts and circumstances of the case, looking to the seriousness of the alleged offence and also the impact of granting bail on the society, this Court is not inclined to grant bail to the applicant.
10. Consequently, the MCRC is dismissed.

Sd/-
(Sharad Kumar Gupta)
Judge