

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1169 of 2018**

Rahul Bafna, S/o. Shri Shanti Lal Bafna, Aged About 30 Years, R/o- Phool Chowk, Behind R.D.A Building, Jorapara, Raipur (C.G.).

----Applicant**Versus**

State Of Chhattisgarh, State Of Chhattisgarh, Through Station House Officer, Police Station -Civil Lines, Dist. Raipur (C.G.).

---- Respondent

For Applicant : Mrs. Fouzia Mirza, Advocate
For Respondent/State : Mr. Ashish Shukla, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****23/10/2018**

1. Apprehending arrest in connection with Crime No. 399/2014, registered at Police Station – Civil Lines, District – Raipur (C.G.) for offence punishable under Section 420 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. The applicant has entrusted his photographs and relevant documents to his tax adviser Chartered Accountant Ashish Shukla, who has made use of the same to obtain the loan from the SBI on the basis of forged papers because of which, this applicant has been falsely implicated in this case. The documents are filed along with the application for perusal of this Court to show that the said Ashutosh Shukla is

engaged in commission of similar crime. No case is made out against the applicant. Hence, under these circumstances, it is prayed that the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that according to the evidence present in the case diary, strong prima-facie case is made out against the applicant, hence, he is not entitled for grant of bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. Named written complaint has been given by the SBI MECCC Byron Bazaar, Raipur, against the applicant stating that this applicant presented himself in the bank and introduced himself as Praveen Kumar Rai. He applied for loan for purchase of two numbers of Hywa vehicle along with documents. Believing in his identification and other documents submitted, loan for purchase of two vehicles were sanctioned in his favour. After sometime, the applicant stopped making repayment of installments because of which, Bank Officer, made an enquiry and found that the applicant had impersonated as Praveen Kumar Rai, whereas his actual name was Rahul Bafna.
6. The submission made by the applicant that he has been falsely implicated by the Chartered Accountant Ashish Shukla may be taken as ground of defence, which requires proof. On the basis of the material present in the case diary, it appears that strong case is made out against the applicant and the co-accused. Hence, after

due consideration, this Court is not inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.

7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram