

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1298 of 2018**

Sohan Jain S/o Gyanchand Jain Aged About 28 Years R/o Khandelwal Colony, Durg, Tahsil And District - Durg, Chhattisgarh., District : Durg, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Office, Police Station Mohan Nagar Durg, District - Durg, Chhattisgarh., District : Durg, Chhattisgarh.

---- Respondent**And****M.Cr.C.(A) No. 1305 of 2018**

Sohan Jain S/o Gyanchand Jain Aged About 28 Years R/o Khandelwal Colony, Durg, Tahsil And District - Durg, Chhattisgarh., District : Durg, Chhattisgarh.

---- Applicant**Vs**

State Of Chhattisgarh Through - Station House Officer, Police Station Mohan Nagar, Durg, Chhattisgarh., District : Durg, Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Manish Upadhyay, Advocate.
For the Respondent/State	:	Shri Ashish Shukla, G.A. and Shri Avinash K. Mishra, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****29.10.2018**

Heard.

- Both these applications are being decided by this common order as they arise from the similar incident. These are the first bail applications under Section 438 of Cr.P.C. filed by the applicants for grant of anticipatory bail, who are apprehending arrest in connection with Crime Nos.282 of 2018 and 264 of 2018 registered at Police Station – Mohan Nagar, District Durg,

Chhattisgarh for the offence punishable under Sections 384, 386 and 506 read with Section 34 of the Indian Penal Code in M.Cr.C.(A) No. 1298 of 2018 and for the offence punishable under Sections 384, 386, 387, 427, 506 and 507 read with Section 34 of the Indian Penal Code in M.Cr.C.(A) No.1305 of 2018.

2. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case. In Crime No. 282 of 2018, the complainant has made totally false allegation against the applicant regarding which, the applicant has no connection with the said Gangster who has used the mobile SIM issued to the complainant. Similarly, the allegation in Crime No. 264 of 2018 is totally false and there had been simply the money transaction between the applicant and the complainant. Similarly placed co-accused persons, namely, Gyanchand Jain and Ankush Jain have been granted bail by this Court in M.Cr.C. No. 5438 of 2018, vide order dated 9.8.2018. Hence, it is prayed that the applicants in both the cases are entitled for grant of anticipatory bail.

3. On the other hand, learned counsel for the State oppose the bail applications and the submissions made in this respect. It is submitted that in both the cases there is a common connection of the applicant with Gangster – Tapan Sarkar which shows that the applicant is in illegal business of money lending for which he had been constantly using the Gangster to threaten his borrowers for the repayment. Hence, no case is made out for grant of anticipatory bail to the applicant.

4. Heard counsel for both the parties and perused the case diary.

5. In Crime No. 282 of 2018, it is alleged that the applicant obtained copies of Aadhar Card and photographs of complainant – Hemant Sahu and made use of the same to obtain a mobile SIM which was found to have been used by the Gangster – Tapan Sarkar in jail.

In Crime No. 264 of 2018, it is alleged that complainant – Neeraj Agrawal has borrowed some amount from this applicant against which, this applicant has received repayment in complete with interest even then, he is threatening the complainant for further repayment of loan and for this, the complainant was also threatened by Gangster – Tapan Sarkar on telephone. The evidence has been collected in this respect in the case-diary.

6. After considering the material present in the case-diary, I do not feel inclined to grant anticipatory bail to the applicant in both the cases.

7. Accordingly, the bail applications filed by the applicant in both the cases under Section 438 of the Cr.P.C. are rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge