

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7718 of 2017**

Alok Kanoongo, S/o. Tarun Kanoongo, Aged About 39 Years, R/o. A/886, Pragati Chowk, Sunder Nagar Raipur, Tehsil and District Raipur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through : Station House Officer, Police Station Civil Line, Bilaspur, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Umakant Singh Chandel, Advocate
For Respondent/State	: Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****16/02/2018**

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.331/2015, registered at Police Station – Civil Line Bilaspur, District – Bilaspur (C.G.) for the offence punishable under Section 420, 467, 468, 469, 471, 120-B of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Applicant is in custody since 14.08.2017, no case is made out on the basis of the

material in the charge-sheet filed before the Court and the trial against him is likely to take sometime for its completion, applicant is ready to abide by all the conditions imposed on him while releasing him on bail. Therefore, it is prayed that applicant be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that applicant is a person, who has in sequence impersonated three persons for the commission of offence of fraud and cheating. Further the loan that was obtained for purchasing JCB machine was not utilized and misappropriated is itself a serious allegation, hence, this applicant is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The prosecution case in brief is that the applicant impersonated himself as Aaditya Jain, proprietor of Laxmi Earthmover and obtained loan from Dena Bank, Bilaspur of Rs.37.90 Lakhs for purchase of two JCB machines. The machines were not purchased and no refund was made to the bank. Money was obtained as loan was transferred through RTGS in the account of one Aniket Singh, in the Punjab National Bank, Raipur. Money deposited in that account was again transferred to the Dena Bank, Katora Talab, Raipur in the account of applicant in the name of Yugant Shukla, from where, the loan amount was withdrawn as cash. In the investigation, it was found that no purchase of machines or vehicle was made. Complainant Amit Kumar, Branch Manager, Dena Bank, Bilaspur has lodged FIR against this applicant, hence, this case.

6. Considered the submissions made and the contents of the case diary.
As it appears that the applicant does not have any criminal history, he is local resident of District – Raipur and there is no likelihood of his absconsion and for the reason that the trial against him is likely to take sometime for its completion, hence for this reason, 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 the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the 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