

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 398 of 2019

- Rikhiram Sahu S/o Ghanaram Sahu Aged About 41 Years R/o Village - Bhatgaon, P.S. Rudri, Tehsil And District Dhamtari Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station City Kotwali, Dhamtari, District Dhamtari Chhattisgarh.

---- Respondent

For Applicant : Shri Shobhit Koshta, Advocate.
For Respondent/State : Shri KK Dewangan, Dy. GA .

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

06/03/2019

1. The Applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 432/2018, registered at Police Station – City Kotwali, District- Dhamtari (C.G.) for the offence punishable under Section 420 r/w 34 of the IPC.
2. As per prosecution story, present Applicant and his brother/co-accused namely Tapeswar Sahu obtained some loan amount from bank i.e. State Bank of India, Dhamtari (C.G.) for opening a shop for which they mortgaged a property of the complainant namely Ashok Kumari Sahare to the bank. It is further alleged that without any knowledge of the complainant, the Applicant had taken signature of the complainant as a guarantor and when the applicant and co-accused/deceased failed to repay the loan amount, after receiving notice from the bank to the complainant, she has lodged a report against the applicant. On the basis said report, offence has been registered against the Applicant and he has been arrested on 28.12.2018.

3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He further submits that neither the Applicant taken loan from bank nor encompass the complainant in the said procedure. From the evidence collected by the prosecution *prima facie* no offence can be made out against the Applicant. Learned Counsel further submits that the loan amount has already been paid by the co-accused/deceased wife Gayatri Sahu and no recovery proceeding is pending. The Applicant is in custody since 28.12.2018, charge-sheet has already been filed and trial will take some time. Therefore, he may be released on bail.
4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary with due care.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the Applicant is in custody since 28.12.2018, charge-sheet has already been filed and trial will likely to take some time, without further commenting on merits of the case, I am inclined to release the Applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge