

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRCA No. 527 of 2019**

- Dharmendra Kumar S/o Shri Ram Kishor Baghel Aged About 30 Years R/o Bajaj Colony, Sector 22, No.C-25, Ring Road No.1 Rajendra Nagar, P.S. Civil Lines, District - Raipur Chhattisgarh

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through, P.S.Civil Lines, District -Raipur Chhattisgarh

**---- Respondent**

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For Applicant : Mr. Adhiraj Surana, Advocate.  
For Respondent/State : Mr. DP Singh, Dy. A.G.

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**Hon'ble Shri Justice Arvind Singh Chandel**  
**Order On Board**

**10/05/2019**

1. The applicant has preferred this first bail application under Section 438 of Cr.P.C. for grant of anticipatory in connection with crime No. 272/2018, registered at Police Station –Civil Lines, District- Raipur (C.G.) for the offence punishable under Section 420, 467, 468 & 34 of the IPC.
2. As per the prosecution story, on the basis of a written complaint lodged by Arun Kumar Rai, Deputy Vice-President of Axis Bank, police has registered the crime. It is alleged that on 25.09.2014, co-accused Smt. Suman Sharma and her husband Subhash Sharma obtained a loan of Rupees Ten Crores from Axis Bank for carrying on the business of one hotel, namely Sapphire Inn owned by them and overdraft a loan of Rupees Ten Crores. At the time of obtaining the loan, in the agreement executed

between the Bank and the borrowers, which was signed by both of them. It was recorded that the possession of the said hotel was with the borrowers, i.e. Subhash Sharma and Suman Sharma. On the basis of said agreement, the loan was sanctioned in their favour. Thereafter, when both of them did not repay the loan, Axis Bank, for recovery of the loan, submitted an application under the Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interests Act, 2002 (SARFAESI Act, 2002) before the competent authority. Allegation against the present applicant is that the said mortgaged property was given by him to the said accused persons on lease on 10.07.2014 that is prior to obtaining loan from the bank. It is further alleged that since this fact is within the knowledge of the applicant in spite of that he did not disclose the fact to the Bank at the time of sanctioning loan.

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 in this case, the main accused are Suman Sharma and Subhash Sharma who were already granted benefit of anticipatory bail and regular bail by this Court vide order dated 09.07.2018 & 04.09.2018 passed in MCRCA No. 623/2018 and MCRC No. 5945/2018, therefore, the applicant may also be granted benefit of anticipatory 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. Taking into consideration the totality of the facts and circumstances of the case, the evidence available on record, alleged role played by the applicant, without further commenting

on merits of the case, I am inclined to release him on anticipatory bail.

7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest of the applicant in connection with the aforesaid crime, he shall be released on anticipatory bail on his furnishing a personal bond in the sum of Rs. 25,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned Trial Court. He shall also abide by all following terms and conditions:
  - (I) He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court,
  - (II) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
  - (III) He shall appear before the Trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-  
**(Arvind Singh Chandel)**  
**Judge**