

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 681 of 2019**

1. Shyam Lal Lahre S/o Late Tulsaram Lahre Aged About 41 Years R/o Village - Khujuri (Nawagaon) Post - Kathakoni, Tahsil - Takhatpur And District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
2. Kunwar Lal Gadhewal S/o Late Kushal Prasad Aged About 42 Years R/o Village - Bharari, Post - Singri, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicants**Versus**

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

---- Respondent

For the Applicants : Shri Somkant Verma, Advocate.
 For the Respondent/State : Shri H.S. Ahluwalia, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****17.05.2019**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicants who are apprehending arrest in connection with Crime No. 931 of 2018, registered at Police Station – Civil Lines, Bilaspur, District Bilaspur, Chhattisgarh for the offence punishable under Sections 409, 420, 467, 468 and 471/ 34 of the Indian Penal Code.
3. It is submitted by counsel for the applicants that they have been falsely implicated in this case. No case is made out against the applicants

on the basis of the material placed before the Court by the prosecution. The complainant has come with totally improbable story regarding the embezzlement of loan amount by these applicants which is not possible in any manner because it is a case of loan disbursement from Finance Company to the beneficiaries where the loan is disbursed directly to the beneficiaries and not provided through via media. These applicants have not committed any offence and one of the co-accused has also been granted anticipatory bail. Hence, it is prayed that the applicants be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that these applicants are the main accused in this case and there is clear allegation against the applicants and also an admission made by these applicants before the Finance Company Officers that they were the persons who submitted forged documents for sanction of loan in the Finance Company and had obtained loan in the name of beneficiaries which they have misappropriated.

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

6. According to the FIR lodged, various loans in the name of beneficiaries to the tune of Rs.1,62,85,000/- were disbursed. At the time of repayment, when the beneficiaries served with notices they turned up and made a statement that they have not obtained any loan from the Finance Company. Thereafter, the case was enquired by the Finance Company Officers in which both these applicants admitted that they have obtained loan in the name of the beneficiaries by submitting forged and false documents

and have withdrawn the loan amount and misappropriated the same. Thereafter, the FIR was lodged.

7. Looking to the nature of the case against the applicants showing the direct involvement in the case, I do not feel inclined to grant anticipatory bail to the applicants.

8. Accordingly, the anticipatory bail application is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge