

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 915 of 2019

1. Ram Netam S/o Shree Tiharu Ram Netam, Aged About 39 Years, R/o 108, Jata Para, Grampanchayat Sarwandi, Post Sarwandi, Sarwandi, Narharpur, District Uttar Bastar Kanker Chhattisgarh., District : Kanker, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Police Station Narharpur, District Uttar Bastar Kanker Chhattisgarh., District : Kanker, Chhattisgarh

---- Non-applicant

MCRCA No. 1028 of 2019

1. Ram Netam S/o Tiharuram Netam, Aged About 39 Years, By Caste Gond R/o Village Sarvandi, Jatapara, Thana and Tahsil Narharpur, District Uttar Bastar Kanker Chhattisgarh, District : Kanker, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, through Police Station Narharpur, District Uttar Bastar Kanker Chhattisgarh, District : Kanker, Chhattisgarh

--- Non-applicant

For Applicant – Shri Parag Kotecha, Advocates.

For Non-applicant/State – Shri Ghanshyam Patel, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13-09-2019

1. As in both these applications the applicant is the same though crime numbers are different, they are being decided by this common order.

2. MCRCA No.915 of 2019 has been filed by the applicant for grant of anticipatory bail as he is apprehending arrest in connection with Crime No.46/2019 registered at Police Station – Chowki Dudhwa, P.S. Narharpur, District Uttar Bastar Kanker, Chhattisgarh for offence punishable under Section 420 read with Section 34 of the IPC.

3. MCRCA No.1028 of 2019 has been filed by the applicant for grant of anticipatory bail as he is apprehending arrest in connection with Crime No.47/2019 registered at Police Station – Narharpur, District Uttar Bastar

Kanker, Chhattisgarh for offence punishable under Section 420, 34 of the IPC.

4. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in these cases. It is submitted that the incident that is complained is of year 2012. The applicant had provided service to the farmers. There is totally false allegation made against the applicant that he has withdrawn and misappropriated the amount which belongs to the complainants. The applicant was forcefully made to sign the agreement in which the admission of the applicant was recorded that he has withdrawn and misappropriated the amount and in case he does not make return in time then he was liable to make payment in double. Therefore, the applicant himself is a victim of illegal act committed by the complainants. Therefore, it is prayed that he may be benefited with grant of anticipatory bail in both the cases.

5. Learned counsel for non-applicant/State opposes the applications and submits that this applicant has cheated about five persons by making withdrawal from their accounts and also by making use of their Rin Pustika for withdrawing KCC Loan in the name of the complainants, therefore, there is evidence against the applicant. Hence, he is not entitled for grant of anticipatory bail.

6. Heard learned counsel for the parties and perused the case diary.

7. Complainants Titra Ram, Chamar Singh, Sadasingh, Faganu and Nambar Singh have lodged the FIR which is registered as Crime No.46/2019 that when they had been to Paddy Procure Center, their Rin Pustika was withheld by the applicant and others, on the pretext that they will help out the complainants for selling their paddy and thereafter by taking their signatures on blank proforma and they made withdrawal of the amount of paddy purchase from the bank account of complainants. The complainants also came to know that the same Rin Pustika were used by the applicant to obtain KCC loan from the bank in the name of complainants. Hence, this case.

In Crime No.47/2019 complainant Bhikhariram has lodged the FIR that when he had been to the Paddy Procure Center for sale of paddy his Rin Pustika was withheld by the applicant and one another on the pretext that they will help out the complainant in selling his paddy and thereafter taking the signature of the complainant on a blank proforma they made withdrawal of the price of paddy from the bank account of the complainant and also the same Rin Pustika was used for obtaining KCC loan in the name of the complainant. When the complainant came to know about the incident the applicant admitted that he has withheld the amount and he will return the same. Thereafter, the FIR has been lodged.

8. Considering that it is a case of multiple commission of offence of fraud and cheating, I do not feel inclined to allow these applications.

9. Consequently, both these applications filed by the applicant under Section 438 of the Cr.P.C. for grant of anticipatory bail are dismissed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge