

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7422 of 2019**

1. Najaf Ali S/o Late Hasan Ali Dhala, aged about 62 years.
 2. Zoheb Hasan S/o Najaf Ali, aged about 32 years.
- Both R/o Hotel Aashiyana, Baijnath Para, Raipur, Tehsil & District Raipur (C.G.)

---- Applicants**Versus**

- The State of Chhattisgarh Through : Station House Officer, Police Station City Kotwali, Raipur, District Raipur (C.G.)

---- Respondent

For Applicants	:	Ms. K. Tripti Rao, Adv.
For Respondent	:	Shri Anurag Verma, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****29/11/2019**

1. The applicants have preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are arrested in connection with Crime No.444/2019, registered at Police Station - City Kotwali Raipur, District Raipur (C.G.) for the offence punishable under Section 384 IPC and Section 4 of Chhattisgarh Protection of Debtor Act.
2. The prosecution story, in brief, is that complainant Md Saeed lodged a report in the police station alleging therein that on 15.04.2015, he had borrowed Rs.50,00,000/- from the applicants and had also given some cheques as security. The Complainant has repaid the entire borrowed amount along with interest but the applicants still asking for money, threatened him and not returning the cheques. Based on this, offence has been registered. The present applicants have

been taken into custody on 01.10.2019.

3. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the case. She further submits that applicant No.1- is aged about 62 years and suffering from cardiac disease. She also submits that there is no incriminating material against applicant No.2-Zoheb Hasan. It is next submitted that the applicants are in custody since 01.10.2019 and there is no likelihood of their case being decided in near future. Therefore, they may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the record as also medical report dated 28.11.2019 submitted by Central Jail, Raipur.
6. Considering the totality of the facts and circumstances of the case, in particular the medical report dated 28.11.2019 and further considering the fact that the applicants are in custody since 01.10.2019 and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release them on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicants shall be released on bail on their executing a personal bond for a sum of Rs.50,000/- each with two solvent sureties for the like amount to the satisfaction of the trial Court for their appearance before the said Court as and when directed.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge