

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9648 of 2018**

Kailash Singh Rajput S/o Shri P. L. Rajput Aged About 42 Years R/o In
Front Of Mukta Petrol Pump, Utai, P. S. Utai, Tehsil & Distt. Durg
Chhattisgarh ---- **Applicant**

Versus

State Of Chhattisgarh Through District Magistrate, Durg, District Durg
Chhattisgarh, District : Durg, Chhattisgarh. ---- **Respondent**

For the Applicant	:	Shri Jaydeep Singh Yadav, Advocate
For the State	:	Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****18/02/2019**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.332/2018 registered at Police Station Utai, District Durg (C.G.) for the offence punishable under Sections 386 of IPC and Section 4 of the C.G. Protection of Debtors Act.
3. Case of the prosecution, in brief is that complainant Sukhnandan Sahu had obtained Rs.50,000/- loan from the applicant. For the purpose of security applicant had taken from him one blank cheque and one blank stamp signed by him. Complainant had paid loan amount to the applicant. Applicant by misusing the blank cheque filed a case against him.
4. Learned counsel for the applicant submits that he is innocent and falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, counsel for the State opposes the bail application. He further submits that five other criminal cases have been registered against the applicant, out of which two under Protection of Debtors Act and three under IPC.
6. Counsel for the applicant further submitted that two other cases of Protection of Debtors Act have been registered against the applicant on same date when this case was registered. Despite of receiving of notice complainant did not reply, thus he may be released on bail.
7. Looking to the facts and circumstances of the case, looking to the seriousness of the alleged offence, looking to the impact of granting bail to the applicant on society, the present bail application is rejected.

Sd/-
(Sharad Kumar Gupta)
Judge