

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9801 of 2018**

Madhusudan Mishra, aged about 59 years, S/o late Shri Rambharosa Mishra, R/o Prayagkunj Bajrang Chowk, Santoshi Nagar, Police Station Tikrapara, Raipur, Tahsil and District Raipur (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Police Station Gole Bazar, Raipur, District Raipur (CG). **---- Non-applicant**

For Applicant	: Mr. Y.C. Sharma, Advocate
For Non-applicant	: Ms. Sangeeta Mishra, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

04.02.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.217//2018 registered in Police Station Gole Bazar, Raipur for the offence punishable under Sections 120-B, 420, 467, 468, 471/34 of IPC and Section 4 of C.G. Debtors Protection Act.
3. Case of the prosecution, in brief, is that complainant Ashok Kumar Verma had obtained Rs.1,00,000/- from the applicant. To secure the loan, he had given five blank cheques and blank Hundi letters to the applicant. On 28.01.2004, the said complainant paid the entire balance amounts with interest to him, but the applicant had not returned back the aforesaid documents to him and converted them into forged documents for obtaining wrongful gain.
4. Counsel for the applicant submits that the applicant has not committed any offence and has been falsely implicated in the case. He further submits that the applicant had filed civil suit against the said complainant, which has been dismissed. Against that, he has filed an appeal before the Appellate Court, which is still pending till date.
5. On the other hand, counsel for the State opposes the bail application.
6. Looking to the above mentioned facts and circumstances of the case, looking to the seriousness of the offence; and looking to the impact of granting bail to the applicant on society, this Court is not inclined to give benefit of Section 439 of the Cr.P.C. to the applicant. Consequently, the bail application is rejected.
7. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE