

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 10050 of 2018

Ramanand Patel, S/o. Latel Patel, Aged About 50 Years, R/o. Village Jheet,
Thana- Amleshwar, Tehsil- Patan, District- Durg, Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For Applicant	: Mr. Avinash Chand Sahu, Advocate
For Respondent/State	: Mr. Subhash Yadav, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

15/07/2019

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.28/2018, registered at Police Station –Amleshwar, District – Durg (C.G.) for the offence punishable under Section 420, 34 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant. The applicant is in jail since 25.04.2018. There had been an agreement for loan transaction between the applicant and the complainant. As the applicant has failed to repay the loan amount, therefore, the false FIR has been lodged. Therefore, it is prayed that the applicant be granted regular bail.
3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted

that the applicant has fraudulently acted in obtaining money from the applicant in the shape of loan, therefore, he is not entitled for grant of regular bail.

4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, the applicant obtained loan of Rs.26.00 lakhs from the complainant, regarding which an agreement was entered between both the parties. As the loan has not been repaid within stipulated time and the land that was kept in the security has also been sold by the applicant. Hence, this case.
6. Considered on the submissions made and the contents of the case diary. After considering on the entire material present in the case diary and taking into consideration the facts and circumstances of the case, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge