

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No. 248 of 2020**

- Pawan Kumar Sharma S/o Kajodmal Sharma, Aged About 51 Years R/o Near Netaji Dharmshala, Police Station Gudhiyari, Tahsil And District Raipur (Chhattisgarh) At Present Resident Of Gali No. 6, Mahesh Colony, Shrinagar Road, Gudhiyari, Police Station Gudhiyari, Raipur, Tahsil And District Raipur Chhattisgarh

---- Applicant**Versus**

1. State Of Chhattisgarh Through The District Magistrate, Raipur Chhattisgarh
2. Chhattisgarh State Cooperative Bank Limited (Apex Bank), Branch R.D.A. Building, Sharda Chowk, Raipur, Tahsil And District Raipur (Chhattisgarh) Through Chandraprakash Vyas, Aged About 56 Years, S/o Late Ballabh Vyas, Manager, Chhattisgarh State Cooperative Bank Limited (Apex Bank), Branch R.D.A. Building, Sharda Chowk, Raipur, Tahsil And District Raipur Chhattisgarh

---- Respondents

For Applicant	:-	Mr. Pradeep Singh Rathore, Adv.
For Respondent-State	:-	Mr. Gagan Tiwari, Dy. G.A
For Respondent no.2	:-	Mr. Maneesh Sharma, Advocate

Proceedings through Video Conferencing**Hon'ble Shri Justice Prashant Kumar Mishra**
Order On Board

10/08/2020

1. The applicant has preferred this application for grant of anticipatory bail, as he apprehends his arrest in connection with unregistered complaint case at Police Station Court of JMFC, Raipur C.G. for offence punishable under Section 420 of the IPC.
2. It is alleged that the applicant obtained loan of ₹ 2 Lacs from the complainant bank by making false statement that he is depositing the copy of the sale deed for creating a mortgage to secure the loan for the reason that the original sale deed is lost. On applicant's default of repaying the loan, recovery proceedings were initiated in which it came to the knowledge of the bank that applicant has made false declaration about misplacement of original sale deed whereas, in fact, applicant has already obtained loan from United Bank of India, Devendra Nagar, Raipur by depositing the original sale deed. The applicant has thus intention to defraud the bank from the very beginning as he has made false declaration while creating mortgage of the same property on the basis of which he has already taken loan from another bank.
3. Learned State Counsel would oppose the prayer for grant of bail.

4. Considering the *modus operandi* of the applicant in obtaining loan by making false declaration, this Court is not inclined to exercise power under Section 438 of the Cr.P.C.
5. Accordingly, the application is rejected.

SD/-

(Prashant Kumar Mishra)
Judge

Ayushi