

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1064 of 2020**

- J.P. Koshle S/o Late Pyarelal Aged About 56 Years Presently Working As Head Master Middle School Korba Permanent R/o Masturi Village Pendri Tahsil And District - Bilaspur Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through - Station House Officer, Police Station - Sonhat District - Korea Chhattisgarh

---- Respondent

For Applicant	:	Shri Kamlesh Kumar Pandey, Advocate
For State	:	Smt. Hamida Siddiqui, Dy.A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****16/12/2020**

Heard.

1. The applicant is apprehending his arrest in connection with Crime No.46/2020 registered at Police Station – Sonhat, District – Koriya CG) for alleged commission of offences under Section 420, 34 of IPC.
2. Prosecution case is that the complainant was cheated by co-accused in the name of providing loan in the manner that after loan was granted and deposited in the account of the complainant, the co-accused got the entire amount withdrawn by using ATM card of the complainant and gave only Rs.24,000/- out of loan of Rs.1 lakh. The present applicant is involved because at that time, the applicant was the concerned officer sanctioning loan in the lending institution.
3. Learned counsel for the applicant submits that even according to the allegations leveled against the applicant, he was cheated by the co-accused – Ashish and involved the present applicant only because he happened to be the concerned officer sanctioning loan in the lending institution. He submits that the complainant is aggrieved because he did not get the entire loan amount. It is further submitted that the report has been lodged after 6 years as the transaction is of the year 2014.

4. On the other hand, learned State counsel submits that at the relevant time, the applicant was the officer concerned to sanction loan in the lending institution and he is the person other than the borrower who can succeed in withdrawing the loan amount, therefore, *prima facie* case is made out.

5. Taking into consideration the submission of learned counsel for the parties, *prima facie*, it is found that the allegations of the complainant are against the co-accused who, right from the beginning, was engaged in obtaining the loan amount. There is no material against the applicant that he is involved in the alleged act. Merely because he happened to be the concerned officer in the lending institution, he has been involved. Therefore, in view of above, I am inclined to grant bail to the applicant.

6. Accordingly, the application is allowed. It is directed that in the event of arrest, the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one local surety for the like sum to the satisfaction of the arresting officer and he shall abide by all the following terms and conditions:-

(i) that the applicant shall make himself available for interrogation by a Police Officer as and when required;

(ii) that he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police Officer.

(iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) that the applicant shall appear before the Trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-

(Manindra Mohan Shrivastava)
Judge