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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1128 of 2020

- Manish Jain, S/o Shri Suresh Kumar Jain, Aged About 46 Years R/o - Nayapara, Jagdalpur, District - Bastar Chhattisgarh. **---- Applicant**

Versus

- State Of Chhattisgarh Through - Station Incharge, Police Station - Badanji (Wrongly Mentioned As Bandaji In The Impugned Order), District - Bastar Chhattisgarh. **---- Respondent**

MCRCA No. 1200 of 2020

- Minakshi Kumari W/o Manas Bharti Aged About 35 Years Occupation - Branch Manager, Central Bank Of India, Belar - Branch, Jagdalpur, R/o Near Vishal Mega Mart, Dharampura, Jagdalpur, District - Bastar (Chhattisgarh)

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station - Bandaji, Jagdalpur, District - Bastar (Chhattisgarh) **---- Respondent**

For Applicants	:	Shri Kishore Bhaduri, Shri Prasoon Agrawal, Shri Rohit Sharma, Advocates
For State	:	Shri Lalit Jangde, Dy.G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

17/11/2020

Heard.

1. MCRC No. 1128 of 2020 and MCRC No. 1200 of 2020 are being disposed off by this common order as all these applications arise out of same crime number.

2. The applicants are apprehending their arrest in connection with Crime No 20/2020, registered at Police Station –Badanji, District Bastar (CG) for alleged commission of offences under Sections of 420, 120-B and 34 of IPC.

3. Prosecution case is that the complainant had applied for grant of a loan from District Industrial Centre for establishing a small manufacturing unit for paper cup, plate etc. The complainant lodged a report in a police station stating that though loan of Rs 3,50,000/- was sanctioned alongwith quotation for

purchase of machine from another agency, the branch manager, co-accused Minakshi Kumari, having close association with the co-applicant Manish Jain, who is owner of Anjana Sales, compelled the complainant to purchase machine from his agency and on their compulsion and pressure the complainant filled certain forms, submitted due quotation and instead of Rs 3,50,000/- , Rs. 7,00,000/- was sanctioned by the bank which the complainant never applied for. The machine, which was supplied from Anjana Sales agency was also not a good quality machine but it was an old machine which is not working properly. Thereafter, the complainant was being pressurized to repay the loan amount of Rs. 7,00,000/- against purchase of an old machine. According to the complainant all these happened due to the pressure and cheating committed by the present applicants.

4. Learned counsel for the applicants would argue that the complainant sole case is that he was applied for a loan of 3,50,000/-, for establishing a manufacturing unit of paper bowl, cup and loan of Rs. 7,00,000/- was sanctioned to him. His submission is that the allegation of applicants pressurizing, misguiding him for submitting quotation to Anjana sales, the purchase and supply shows that present is a case of civil dispute and the point of time, at which, complaint was reported in police station, when bank asked the complainant for recovery of a loan, shows that, the applicants are falsely implicated.

5. On the other hand, learned State counsel opposes the bail application and submits that though, the loan sanctioned to the complainant was recommended for a limit of Rs. 3,50,000/- under the govt scheme but the Branch Manager of the concerned bank in conspiracy with co-accused Manish Jain (proprietor of Anjana Sales) compelled the complainant to submit another quotation, of purchase from Anjana Sales, the loan amount of Rs.7,00,000/- was sanctioned, which was higher then 3,50,000/- and then supply of a sub-

standard condition machine took place by the Anjana Sales, which was also not in well functioning condition. In this manner the complainant was cheated by the present applicants.

6. Having heard learned counsel for the parties, on prima-facie consideration, it is found that the complainant had lodged complaint of non-functioning of the machine which is purchased under a Government Scheme from Anjana Sales. However, the allegations appears to have been levelled against the present applicants that the present applicants compelled him, therefore, he filled certain forms and thus higher amount of loan was sanctioned by the District Industrial Centre. Dispute arose with regard to the function of the machine and the complainant finding difficulty to repay the loan amount then he started making allegations that he was compelled to purchase machine from Anjana Sales and applied for loan of higher amount. Therefore, present is a fit case for grant of anticipatory bail to the applicants.

7. It is found that earlier both the applicants have been released on temporary bail. For the reason mentioned here, the temporary bail granted to the applicants is made absolute.

8. Accordingly, these bail applications is allowed. It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the arresting officer and they shall abide by all the following terms and conditions -

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

(ii) that they 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 them from disclosing such facts to the Court or to any Police Officer.

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

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

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Nadim