

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1885 of 2019

Bhekhram Sahu S/o Late Bishat @ Bhanguram Sahu Aged About 33 Years,
Occupation- Labour, R/o Village- Temri, Police Station- Komakhan, Tahsil-
Bagbahra, District- Mahasamund, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station-
Komakhan, District- Mahasamund, Chhattisgarh.

---- Respondent

AND

MCRCA No. 1669 of 2019

Kamlesh Sharma S/o Shri Shohan Lal Ji Sharma Aged About 31 Years R/o
House Number 224, Basti Para Village Londamuda, Tahsil Bagbahra, District
Mahasamund, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station
Komakhan, District Mahasamund, Chhattisgarh.

---- Respondent

For Applicant (In MCRCA No.1885/2019) :Mr. R.V. Rajwade, Advocate.

For Applicant (In MCRCA No.1669/2020):Mr. Anil S. Pandey, Advocate.

For Respondent/State : Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

24/02/2020

1. Since, the above bail applications arise out of same crime number, therefore, they are being decided by this common order.
2. The applicants have filed these bail applications for grant of anticipatory

bail under Section 438 of the Cr.P.C. as they are apprehending their arrest in connection with crime no. 154/2019, registered at Police Station Komakhan, Distt. Mahasamund (C.G.) for the offence punishable under Sections 120-B/34, 406, 409, 419, 420, 465, 466, 467, 468, 471, 477-A of the IPC.

3. As per prosecution story, a land bearing Khasra No. 208 & 206 belongs to complainant Gend Prasad Tiwari and his son. On 25.10.2018, the complainant received a notice from bank regarding KCC loan then the complainant came to know the fact that in the year 2014, co-accused Jugnu Prasad obtained a KCC loan of Rs. 88,000/- on the land belongs to him and his son. Allegedly, the applicants have helped the co-accused person and divided the said sanctioned loan amount equally thereby they were also involved in the crime in question. On the basis of said background, offence has been registered.
4. Learned counsel appearing on behalf of the applicants submit that the applicants are innocent and have been falsely implicated in the present case. They further submit that no case can be made out against the applicants, all allegations have been made against co-accused Jugnu Prasad who obtained the KCC Loan from Bank. The applicants are involved in this case only on the basis of memorandum statement of co-accused Jugnu Prasad. There is no material available on record prima facie it can be established that the applicants have helped the co-accused person for obtaining KCC Loan or they have taken any loan amount. The Counsel finally submits that the applicants are the reputed persons of their society, they are the permanent resident of above mentioned address and there is no chance of their absconding. Hence, it is prayed that the applicants may be granted benefit of anticipatory bail.
5. Per contra, learned counsel appearing on behalf of State opposes the bail applications.
6. I have heard learned Counsel for the parties.
7. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing

for the parties and further considering the fact that the KCC Loan has been obtained by co-accused Jugnu Prasad. The applicants are implicated in the crime in question only on the basis of memorandum statement of co-accused Jugnu Prasad. Without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicants.

8. Accordingly, the anticipatory bail applications are allowed.
9. It is directed that in the event of arrest, the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the officer arresting them and they shall abide by all the following terms and conditions:-
 - I. That the accused/applicants shall made themselves available for interrogation before the concerned Investigating Officer as and when required;
 - II. The accused/applicants 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/her from disclosing such facts to the Court or to any police officer;
 - III. The accused/applicants shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
 - IV. 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.

Sd/-
(Arvind Singh Chandel)
Judge