

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 434 of 2021**

- Dankor Narayan Sahu, aged about 57 years, S/o Bodhiram Sahu, R/o village Hasaud, Police Station & Tahsil Hasaud, District Janjgir-Champa (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh – Through : District Magistrate, District Janjgir-Champa (C.G.) [P.S. Dahbra, District Janjgir-Champa (C.G.) not mentioned in the cause title of order sheet]

---- Respondent

For Applicant : Mr. Amit Kumar, Advocate.
For Respondent. : Mr. Vimlesh Bajpai, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****10/06/2021**

Proceeding through video conferencing.

1. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicant who is apprehending his arrest in connection with Crime Number 42/2021 registered at Police Station – Dabhra, District Janjgir-Champa (C.G.) for the offence punishable under Sections 409, 420, 467, 468 and 471 of Indian Penal Code.
2. The allegation against the present applicant is that he along with co-accused person fraudulently obtained K.C.C. loan amounting to Rs. 35,64,000/- in connivance with employees of Zila Sahakari Bank Maryadit, Bilasur, which was granted in favour of complainants. Based on this, after investigation, the offence has been registered against the applicant.
3. Learned counsel for the applicant submits that the applicant

is innocent and has been falsely implicated in the crime in question. He further submits that the complainants and the applicant have entered into compromise (Annexure A-3) and the entire amount of KCC loan has been paid to the complainants. He also submits that there was some misunderstanding among themselves and the complainants do not want to proceed with the case. Therefore, he may be granted anticipatory bail.

4. Counsel for the State however opposes the application for anticipatory bail.
5. After hearing counsel for the parties and considering the facts and circumstances of the case, nature of offence and further considering the fact that the applicant and complainants have entered into compromise (Annexure A-3), without commenting anything on merits of the case, this Court is of the considered opinion that it is a fit case to grant anticipatory bail to the applicant.
6. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicant in connection with aforesaid crime number, he shall be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- with one surety for the like sum to the satisfaction of the concerned arresting/investigating officer or the court concerned, as the case may be, with the following terms and conditions:
 - (i) that the applicant shall make himself available for interrogation/medical examination before the concerned investigating officer as and when required;
 - (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person

acquainted with the facts of the case as to dissuade him/her 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.

Sd/-

(Rajani Dubey)
Judge

pkd