

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 518 of 2021**

- K.K. Barik (Senior Advocate) Son Of Late Asharam Barik Aged About 65 Years Resident Of Ward No. 13, Block Colony, Behind Kings Petrol Pump, Mahalpara, Saraipali, District- Mahasamund (Chhattisgarh)

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station- Saraipali, District- Mahasamund (Chhattisgarh)

---- Respondent

For Applicant	: Shri H.B.Agrawal, Sr. Advocate Along with Shri Gautam Khetrapal and Rishabh Dev Singh, Advocates
For Respondent /State	: Shri H.S.Ahluwalia, Dy.AG

Hon'ble Smt. Justice Rajani Dubey**Order On Board****12/04/2021**

This is an application filed under Section 438 of the Code of Criminal procedure for grant of anticipatory bail to the applicant, who are apprehending his arrest in connection with Crime No.96/2021 registered at Police Station Saraipali, district Mahasamund (CG) for the offence punishable under Sections 420,467,468 and 471/34 of the IPC.

Case of the prosecution in brief is that the borrower namely Shriram Pradhan, a resident of Basna, district Mahasamund has moved an application before the Branch Manager, Punjab National Bank, Saraipali under the scheme of Kisan Credit Card for grant of loan of

Rs. 3,00,000/-and the Bank requisitioned the non-encumbrance certificate from the applicant who was empanelled advocate of the Punjab National Bank. It is alleged that after verification it was found that said Shriram Pradhan did not repay the loan and has cheated and thereby dishonestly induced the property.

Contention of the counsel for the applicant is that the applicant have been falsely implicated in the present case. He further submits that the borrower Shriram Pradhan has on the basis of forged and fabricated documents obtained loan from the bank through the applicant who is empanelled advocate of the said Bank and he has discharged his professional duty and is therefore not liable for the said offence. He submits that in the present circumstances of the pandemic Covid-19, the investigation will take time and therefore he may be granted bail.

On the other hand, learned counsel for the State opposes the bail application.

Having heard counsel for the parties and considering the totality of the facts, in particular, the nature of allegations against the applicant, this Court is of the view that it is a fit case to grant anticipatory bail to the applicant. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant's in connection with the aforesaid offence, he shall be released on bail on their executing a personal bond in sum of Rs. 25,000/- with one surety to the satisfaction of the trial Court. The applicant shall also abide by the following conditions :

(i) that the applicant shall make themselves available for interrogation before the concerned investigating officer as and when required,

(i) 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 them from disclosing such facts to the Court or any police officer;

(ii) that he shall not act in any manner which will be prejudicial to fair and expeditious trial; and

(iii) that he 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