

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRCA No. 931 of 2021**

- Dhanjay Kumar Sahu S/o Mohan Lal Sahu, aged about 38 years, R/o House No. 69, Mohan Vidhya Nagar, Kasdol, District Balodabazar-Bhatapara, Chhattisgarh

-----Applicant**VERSUS**

- State of Chhattisgarh through: Police Station City Kotwali, Balodabazar, District Balodabazar-Bhatapara, Chhattisgarh

-----Non-applicant

For Applicant	: Mr. Anurag Singh, Adv.
For Non-applicant- State	: Mr. B.P. Banjare, Dy. Govt. Adv.

*(proceedings through video conferencing)***Hon'ble Shri Parth Prateem Sahu, Judge****ORDER****18/08/2021**

1. Applicant has preferred this application under Section 438 of CrPC for grant of anticipatory bail as he apprehends his arrest in connection with Crime No. 364/2021 registered at Police Station City Kotwali, Balodabazar, District- Balodabazar-Bhatapara (C.G.) for the offence punishable under Sections 420, 467, 468, 470, 471, 120B r/w Section 34 of IPC.
2. As per the case of prosecution, co-accused Satish Kumar Sahu has made an application for loan of Rs. 5 lakh with the complainant's company-Shriram General Insurance Company. In the said loan application present applicant stood as guarantor. After completion of processing the application, loan application was accepted and Satish Sahu was granted loan of Rs. 5 lakh. When the loan amount was not repaid by the borrower ie. co-accused Satish Kumar Sahu, enquiry was conducted by the complainant's company upon which they revealed that at the time of verification, based on the loan application of the shop co-accused, Satish Sahu shown the other shop which is of applicant in the name of Naina Traders by changing the board. Based on this report of Harishankar Tiwari, FIR

was lodged by Nikesh Kesharwani against the applicant and other co-accused persons ie. Satish Sahu, Nageshwar Sahu, Roshan Sahu.

3. Mr. Anurag Singh, learned counsel for the applicant would submit that the present applicant has only signed the documents as guarantor. The complainant's company either before or after signing the application filed by co-accused Satish Sahu has neither contacted him nor inquired him. He further submits that except the signature on loan papers as guarantor there is no other material available with the complainant to connect the present applicant in the instant crime. He further pointed out that the loan was sanctioned after verification of the facts submitted in the loan application Form. He also submits that co-accused Satish Sahu has already been enlarged on bail in MCRCA No. 876/2021, hence, the present applicant may also be enlarged on anticipatory bail.
4. On the other hand, Mr. B.P. Banjare, learned State counsel opposes the submissions made by learned counsel for the applicant and submits that as per complaint when the loanee could not able to repay the loan amount, Harishankar Tiwari went on the spot and found that at the time of sanctioning of the loan some other shop has been shown to be of Satish Sahu ie. of present applicant, hence there is involvement of present applicant in the commission of instant crime. However, he does not dispute that loan was sanctioned in the name of Satish Sahu of Rs. 5 Lakh. For verification of the facts as mentioned in the loan application Form spot inspection was conducted by co-accused Roshan Sahu.
5. I have heard learned counsel for the respective parties.
6. Taking into consideration, the nature of allegation, the fact that the applicant stood as guarantor to the loan sanctioned in favour of co-accused Satish Sahu, loan was sanctioned after verification of the facts mentioned in the application, co-accused Satish Sahu, loanee, has already been enlarged on bail, without commenting anything on merits of the case, I am inclined to allow the bail application.
7. Accordingly, application is allowed and it is directed that in the event of arrest of applicant in connection with the crime in question

(364/2021), he shall be released on anticipatory bail by the Officer arresting him on his executing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the concerned arresting Officer. Applicant shall also abide by the following conditions:

- (i) that the applicant shall make himself available for interrogation before the Investigation 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 so 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/-
(Parth Prateem Sahu)
Judge

Pawan