

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 876 of 2021**

- Satish Kumar Sahu S/o Firat Ram Sahu Aged About 28 Years R/o Beltikri, Balodabazar, District Balodabzar-Bhatapara Chhattisgarh (Dist name not mentioned properly) **---- Applicant**

Versus

- State of Chhattisgarh Through City Kotwali, Balodabazar, District Balodabzar-Bhatapara Chhattisgarh **---- Respondent**

For Applicant : Shri Akhtar Hussain, Advocate
For Respondent/State : Shri BP Banjare, Dy GA

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board
(Proceeding through Video Conferencing)

16.08.2021

1. This is an application under Section 438 of CrPC for grant of anticipatory bail to the applicant as he apprehends his arrest in connection with Crime No. 364 of 2021 registered at Police Station City Kotwali, Balodabazar, Dist-Balodabazar-Bhatapa, Chhattisgarh for commission of offenses punishable under Section 420, 467, 468, 470, 471, 120-B, and 34 of IPC.
2. Applicant, apprehending his arrest, filed this anticipatory bail application after rejection of his application by the Court below.
3. Case of the prosecution, in brief, is that, applicant obtained loan of Rs.5 lakhs from complainant- Shriram Finance Company Limited, on 24.01.2017. Applicant handed over cheques for payment of loan, and they were dishonored on 22.02.2018. Upon further verification of documents of loan of applicant, complainant revealed that applicant has obtained the loan by mentioning wrong facts and thereafter, written complaint was lodged by one Nikesh Kesharwani, authorized by Rakesh Tiwari, on behalf of the Company. Based on written complaint, instant crime has been registered against present applicant.

4. Shri Akhtar Hussain, learned counsel for the applicant submits that applicant had obtained loan from complainant-company of Rs.5 lakhs. At the time of granting loan, Company has taken blank cheques from applicant and the cheques were deposited for clearance in the month of February, 2018 but they were dishonored. He further submits that after getting cheques dishonored, Company has lodged complaint under Section 138 of Negotiable Instruments Act, 1881 r/w Section 420 of IPC before the Court of Judicial Magistrate, First Class, Raipur, which is pending consideration. Applicant has not committed any offence as alleged in FIR. Loan was sanctioned by the Company, only after verification of facts as stated by present applicant. Hence, he may be enlarged on anticipatory bail under Section 438 CrPC.

5. On the other hand, Shri BP Banjare, learned counsel for the State opposing the submissions of learned counsel for the applicant, submits that at the time of getting loan amount of Rs.5 lakhs, applicant has shown shop of his relative to be his own and cheated complainant-company. Further, upon putting specific question with regard to proceedings initiated by the Company, learned State counsel submits that in the material collected by Investigating Agency and material available on record, Company sanctioned loan after verification.

6. I have heard learned counsel for the parties.

7. Taking into consideration nature of allegations levelled against present applicant; the fact that complainant-Company has already filed complaint under Section Section 138 of Negotiable Instruments Act, 1881 r/w Section 420 of IPC before the Court of Judicial Magistrate, First Class,

Raipur against dishonored cheques handed over by present applicant on 9th April, 2018, loan was sanctioned after verification as per the complainant, without commenting anything on merits of the case, I am inclined to grant anticipatory bail to the applicant.

8. Accordingly, the application is allowed and it is directed that in the event of arrest of applicant in connection with the crime in question, 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/- (Rupees twenty-five thousand) with one surety in the like sum to the satisfaction of the concerned Arresting Officer. The applicant shall also abide by the following conditions:

- a) That the applicant shall make him/her available for interrogation before the Investigating Officer as and when required;
- b) 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;
- c) That the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- d) That the applicant shall appear before the trial Court on each and every date given to him/her by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE