

**HIGH COURT OF CHHATTISGARH, BILASPUR**• **MCRCA No. 1552 of 2020**

- Suresh Kumar Mourya S/o Shri Jagan Kumar Mourya, Aged About 40 Years R/o Foubara Chowk Lormi, Thana And Tahsil - Lormi, District - Mungeli, Chhattisgarh

---- Applicant

**Versus**

- The State Of Chhattisgarh, Through The Station House Officer, Police Station - Lormi, District - Mungeli, Chhattisgarh

---- Respondent

---

|                      |   |                                                                            |
|----------------------|---|----------------------------------------------------------------------------|
| For Applicant        | : | Mr. Arvind Dubey, Advocate, appears on behalf of Mr. Sunil Sahu, Advocate. |
| For Respondent/State | : | Mr. Lalit Jangde, Dy. G.A.                                                 |

---

**Hon'ble Shri Justice Manindra Mohan Shrivastava****Order On Board****26/02/2021**

Heard.

1. The applicant is apprehending his arrest in connection with Crime No.387/2020 registered at Police Station– Lormi, District - Mungeli, (C.G.) for alleged commission of offence under Section 420/34 of Indian Penal Code.
2. Prosecution case is that Bhanu Sen, Bharat Sen and Kamal Sen had applied for grant of loan and loan of Rs.1 lakh each was sanctioned in their favour. A complaint was lodged in the police station that the bank gave notice for the payment of loan then only borrower came to know that certain amount has been released in favour of Suresh General Store on the statement of supply of goods to the borrowers whereas the borrowers never received any such goods from the Suresh General Store but they had submitted quotation of Preeti General Store at the time of applying for grant of loan for opening their respective barber shop. The applicant is involved as the applicant is said to be proprietor of Suresh General Store.

3. Learned counsel for the applicant would submit that the applicant has been involved in the alleged commission of offence without any proper inquiry. He would submit that allegations have been levelled against the present applicant after 7-8 years of sanction of loan case of the applicant. It is improbable that complainant would not know about various payments made to different suppliers. There is no material collected against the applicant to show that the applicant submitted any false report in the bank regarding having supplied goods to the borrowers, therefore, the applicant may be protected by anticipatory bail.
4. On the other hand, learned state counsel opposes and submits that presently FIR has been lodged and matter is under investigation. He would submit that *prima facie* the complaint shows that it has stated that they have not received any loan and when notices were given to them for payment of loan, they have submitted that they had not submitted quotation of Suresh General Store but of Preeti General Store but in their loan case concerned bank manager, present applicant and guarantor- Pappu Lonia and Ganesh Thakur have committed cheating and swallowed the loan amount without any supply made to the complainant.
5. Taking into consideration the submissions of learned counsel for the parties, particularly taking into consideration that the involvement of the applicant is based on a complaint made by the complainants borrowers 7-8 years after sanction of loan and there being no material on record to show that the applicant submitted any false acknowledgment of receipts of goods from the said complainants for receiving the cost of the goods supplied to the borrower under the loan scheme, therefore, at this stage, present is a fit case for grant of anticipatory bail to the applicant.
6. The bail application is accordingly allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the arresting officer and the applicant shall abide by all the following terms and conditions -

(i) that the applicant shall make himself available for interrogation by a Police 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 from disclosing such facts to the Court or to any Police Officer.

Certified copy as per rules.

**Sd/-**

**(Manindra Mohan Shrivastava)**  
**Judge**

Ravi