

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8265 of 2021**

K. Anand Swarup S/o Shri Ram Prasad Kurre Aged About 48 Years
 R/o Village - Kapu, Police Station - Kapu, Tahsil - Dharamjaigarh,
 District - Raigarh, CG

---- Applicant

Versus

State of Chhattisgarh Through - Station House Officer, Police Station -
 Patthalgaon, District – Jashpur, CG

---- Non-applicant

For applicant	Ms. Sofia Khan, Adv.
For non-applicant/State	Mr. B.P. Banjare, Dy. Govt. Adv.

Hon'ble Shri Justice N.K. Chandravanshi**Order on Board****15-11-2021**

1. As per applicant, this is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no bail application is pending before any other court.
2. The applicant has been arrested in connection with Crime No. 73/2021 registered in police station Patthalgaon, Distt. Jashpur, (CG) for offence punishable under Section 420, 34 of the Indian Penal Code.
3. Brief facts of the case are that on 20-3-2021, Legal Manager Sandeep Sinha of Shriram Finance Corporation Pvt. Ltd. lodged written report at PS Patthalgaon, Distt. Jashpur mentioning that employees of Shriram Finance Corporation Pvt. Ltd. namely Kishore Chandra and Akchhay Singh Thakur colluding with applicant, who is debtor of Shriram Finance Company Pvt. Ltd. and other debtors of company namely Golak Patwari, Shivaji Sarkar, have embezzled Rs. 25,43,320/- of the aforesaid company by taking loan producing others' fake shop and stocks. It was also stated in the written report that the present applicant has shown fraudulently some other shop in the name of Anand General and Fancy Stores and thereby he obtained loan amount of Rs. 5 lac in January, 2018, which has been now increased to Rs. 7,35,716/- including penalty. Based on aforesaid report, present crime has been registered under Section 420, 34 of the IPC at PS Patthalgaon, Distt. Jashpur against the applicant and 4

others.

4. Learned counsel for the applicant argued that the applicant had taken Rs. 5 lacs loan from Shriram Finance Company Pvt. Ltd. and necessary documents have been executed in this regard. He further argued that agricultural land of his ownership bearing Khasra No. 154/1 area 0.437 hectare situated at village Kapu, Tehsil Dharamjaigarh, Distt. Raigarh, has been mortgaged in favour of the aforesaid company. He also argued that the applicant has deposited total Rs. 2,38,000/- against the aforesaid loan amount on various dates till 9-2-2018, thereafter due to loss in business and shortage of money, he could not deposit installments, but aforesaid company may recover remaining amount from his mortgaged property. He also argued that it is a clear case of civil nature, which has been falsely registered as criminal case. He also submitted that the applicant is in jail since 25-9-2021. Hence, he may be released on bail.
5. On the other hand, the State Counsel opposed the bail application.
6. I have heard counsel for both the parties and perused the case diary and the material available on record.
7. From perusal of documents, it appears that it is a case of taking loan by the applicant, for which he has mortgaged his agricultural land also, which has been shown in sanction letter.
8. Considering the facts and circumstances of the case, nature and gravity of offence, detention period of the applicant, particularly taking into consideration that present case seems to be a case of civil nature, the applicant is said to be permanent resident of District Raigarh, I feel inclined to allow the bail application. Therefore, the application is allowed. It is ordered that if the applicant furnishes one surety for a sum of Rs. 25,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned for his appearance before the concerned Court as and when directed by the said Court, he be released on bail.
9. CC as per rules.

Sd/-
(N.K. Chandravanshi)
Judge