

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8714 of 2021**

- Prabodh Kumar Das S/o Abhimanyu Das Aged About 36 Years R/o Flat No. 501, Block-B, Solas Heights, Amlidih, Raipur Tahsil And District Raipur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Sarkanda, District Bilaspur Chhattisgarh

---- Respondent

For Applicant :- Mr. Amit Kumar, Advocate
For Respondent – State :- Mr. Gurudev I. Sharan, G.A.

Hon'ble Shri Justice Deepak Kumar Tiwari
Order On Board

16/12/2021

1. The applicant has preferred this bail application under Section 439 of the Cr.P.C. for grant of regular bail as he is arrested in connection with crime No.458/2016 registered in Police Station Sarkanda, District Bilaspur C.G. for the offence punishable under Sections 420, 120-B, 34 of the I.P.C.
2. Case of the prosecution, in brief, is that the complainant filed an application under Section 156 (3) of the Cr.P.C. before C.J.M. Court against the applicant and other co-accused Heera Lal Sahu that both the accused person have fraudulently withdrawn the loan amount from the bank in the name of the complainant. After receiving the recovery notice, the complainant came to know that the said loan amount was fraudulently withdrawn from his loan account. It has been alleged that

present applicant and other accused person have fraudulently obtained his cheque by which they have withdrawn the loan amount .

3. Learned counsel for the applicants would submit that the applicant is innocent and he has been falsely implicated. He would further submit that co-accused Heera Lal Sahu has already been released on bail bearing MCRC No.1513/2019 vide order dated 15.5.2019 and the present applicant is in jail since 09.9.2021, therefore, he may be released on bail.
4. *Per contra*, learned State counsel would oppose the prayer for grant of bail.
5. Considering the fact and circumstances of the case as also considering the fact that applicant is the Branch Manager of Axis Bank and the loan amount was sanctioned from the said bank; co-accused Heera Lal Sahu has already been released on bail and the offence is triable by JMFC, therefore, this Court is inclined to release the applicant on bail.
6. Accordingly, the application is allowed and the applicant is directed to be released on bail on executing a personal bond for a sum of Rs.25,000/- with one surety for the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Certified copy as per rules.

SD/-

(Deepak Kumar Tiwari)
Judge

Ayushi