

(2021) 05 CHH CK 0141
In the Chhattisgarh High Court
Case No : MCRCA No. 420, 442 Of 2021

Anu Singhal And Ors

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision : 17-05-2021

Acts Referred:

Indian Penal Code, 1860 — Section 34, 420
Code Of Criminal Procedure, 1973 — Section 438

Citation : (2021) 05 CHH CK 0141

Hon'ble Judges : Rajendra Chandra Singh Samant, J

Bench : Single Bench

Advocate : V.G. Tamaskar, H.S. Ahluwalia

Final Decision : Disposed Of

Judgement

Rajendra Chandra Singh Samant, J

1. As both these applications arise out of the same crime number, they are being decided by this common order.

2. Apprehending arrest in connection with Crime No.67 of 2021, registered at Police Station - Bhilai Nagar, District Durg, Chhattisgarh for Page No.2

offence punishable under Section 420/34 of the IPC, the applicants have preferred this application under Section 438 of Cr.P.C. for grant of anticipatory bail.

3. It is submitted by learned counsel for the applicants that the applicants are innocent who have been falsely implicated in this case. The facts of the case do not reveal that the applicants had any intention to cheat the complainant, Bank of India. All the amount borrowed, which the applicants have not been able to pay, can be recovered from the property which worth more than rupees two crores, whereas the outstanding loan amount against the

applicants is only Rs.50,40,000/-. Hence, there is no case against both the applicants. Therefore, it is prayed that they may be benefited with grant of anticipatory bail.

4. Learned counsel for State/respondent opposes the submission and it is submitted that the criminal intention of the applicants is clear as they concealed this fact from the Bank of India while mortgaging their property, that the same property was mortgaged with UKO Bank, Civic Center.

Hence, the offence has been committed and the applicants are not entitled for grant of anticipatory bail.

5. Heard learned counsel for the parties and perused the case diary.

6. According to the prosecution case, the applicants in both the applications and one another mortgaged their joint property with UKO Bank on 17-12-

2016 for obtaining of loan of Rs.36,00,000/-, subsequent to that, the same property was mortgaged with Bank of India on 08-02-2017 and loan of

Rs.14,40,000/- was obtained. As these applicants and other failed to make repayment of loan installments. The Bank of India then proceeded with

recovery of the same and this fact was revealed to them that the same property has been mortgaged twice by these applicants.

7. Considered on the submissions and the facts that are present in the case. Learned Sessions Judge has granted anticipatory bail to one co- accused,

namely, Sarita Singhal. Case of these applicants cannot be singled out to be different in any sense, hence, taking into consideration the ground of

parity, these applicants should also be granted anticipatory bail.

8. Accordingly, both these applications for grant of anticipatory bail are allowed. It is directed that in the event of arrest of these applicants in

connection with the aforesaid offence, they shall be released on bail by the officer arresting them on each of them executing a personal bond in sum of

Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. These applicants shall also abide by the following

conditions :

(i) that they shall make themselves available for interrogation before the investigating officer as and when required;

(ii) that they 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 they shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) that they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

9. Certified copy as per rules.