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HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 5079 of 2018**

Narendra Das, S/o. Ramdayal Patel, Aged About 28 Years, Occupation Worker, R/o. Village Karrazor, P.S. Pusaur, Distt. Raigarh Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Police Thana City Kotwali, Raigarh Distt. Raigarh Chhattisgarh.

---- Respondent

M.CR.C. No. 5650 of 2018

Sadhuram Baghel, S/o. Deriha Baghel, Aged About 38 Years, R/o- Village Navapara Nandeli, District- Raigarh, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- Police Station- City Kotwali, Raigarh, District- Raigarh, Chhattisgarh.

---- Respondent

M.CR.C.(A) No. 661 of 2018

Tapan Kumar Chakrawarti, S/o. Patith Pawan Chakrawarti, Aged About 63 Years, Occupation- Retired Bank Manager, Bank Of Maharastra, R/o. Sonmuda, Nawapara, Raigarh, P. S. - Kotwali, Tahsil and District Raigarh, Chhattisgarh. Civil and Revenue District Raigarh, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : S.H.O. Police Station Kotwali, Raigarh, District Raigarh, Chhattisgarh.

---- Respondent

AND**M.CR.C.(A) No. 803 of 2018**

Onkesh Kumar Patel, S/o. Shiv Prasad Patel, Aged About 36 Years, Occupation Government Service (Asst. Veterinary Officer) R/o. Village Parpali, Post Nawapara, Nandeli P. S. Kotraroad, Distt. Raigarh Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : S.H.O. Police Station Kotwali, Raigarh, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant (In M.Cr.C.(A) No.661/2018	: Mr. Sourabh Sharma & Mr. Tarkeshwar Nande, Advocates
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For Applicants in M.Cr.C.(A)No.803/2018 & M.Cr.C. No.5079/2018	: Ms. Sharmila Singhai, Advocate
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For Applicant in M.Cr.C. No.5650/18	: Mr. Ashish Gupta, Advocate
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For Respondent/State	: Mr. Anupam Dubey, Dy.G.A
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Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

28/09/2018

1. Since the above regular bail applications and anticipatory bail applications arise out of the same crime number, they are being heard and disposed of by this common order.
2. The applicants – in M.Cr.C.(A) No. 661 of 2018 and M.Cr.C.(A) No. 803/2018 have preferred these bail applications under Section 438 of Cr.P.C. apprehending their arrest in connection with Crime No.296/2018 registered at Police Station- City Kotwali, Raigarh, District – Raigarh (C.G.), for the offence punishable under Sections 420, 467, 468, 471 and 34 of the Indian Penal Code.
3. The bail application of applicants in M.Cr.C. No.5079 of 2018 and M.Cr.C. No.5650/2018 are the first bail applications filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to them as they have been arrested in connection with Crime No.296/2018, registered at Police- City Kotwali, Raigarh, District– Raigarh (C.G.) for the offence punishable under Sections 420, 467, 468, 471 and 34 of the Indian Penal Code.

4. Learned counsel appearing on behalf of the applicant – Tapan Kumar Chakrawarti (in M.Cr.C.(A) No.661/2018) submits that the applicant has been falsely implicated in this case. The applicant was the Manager of the Bank of Maharashtra at the time of incident and had no occasion to find out the person present as applicant for loan was an impersonator. There is no such evidence present on record against he applicant to show his responsibility for commission of offence. Hence, it is prayed that the applicant may be enlarged on anticipatory bail.
5. On behalf of the applicant – Onkesh Kumar (in M.Cr.C.(A) No.803/2018, the counsel submits that there is no connection of this applicant with the offence committed in this case and totally false allegation has been made against him. Hence, it is prayed that the he may also be enlarged on anticipatory bail.
6. Learned counsel appearing on behalf of the applicants in M.Cr.C. No.5079/2018 and M.Cr.C. No.5650/2018 submit that the they have been falsely implicated in this case. The applicants are in jail since 03.06.2018. No case is made out against them on the basis of the material present in the charge-sheet filed against them. Hence, it is prayed that they may be released on regular bail.
7. Learned counsel for the respondent/State opposes the applications and submissions made in this respect. It is submitted that the applicants have conspired and open one account in the name of complainant – Hetram Baghel fraudulently and a KCC loan of Rs.4,00,400/- was withdrawn, which has been misappropriated by all of them. The complainant came to know about the disbursement of the loan after he received notice from the bank for repayment of the same.

Hence, the applicants may not be released on bail.

8. I have heard the learned counsel for both the parties and perused the case diary.
9. The case against the applicants are this that the complainant – Hetram has given his papers to the applicant -Sadharam Baghel for the purpose of obtaining loan. The applicant -Sadharam Baghel made use of the same papers to apply for loan in the Bank of Maharashtra with the help of applicant – Narendra Das. Co-accused Bajrang Chauhan impersonated as Hetram Baghel. Papers were presented in the Bank, which were approved by the applicant – Tapan Kumar Chakrawarti, the Manager of the Bank. According to the memorandum statement given by the applicants Sadharam Baghel and Narendra Das, the applicant – Onkesh had helped them in getting the loan approved from the Bank Manager and similar is the statement given by them that the applicant – Tapan Kumar Chakrawarti and Onkesh received some money from them to sanction the loan on the basis of forged papers. Hence, this case.
10. Considered the submissions made and the contents of the case diary. Considering the entire material present in the case diary, looking to the evidence i.e. proposed against the applicant- Tapan Kumar Chakrawarti and Onkesh Kumar Patel and for the reasons that now charge-sheet has been filed and there is no further requirement of their arrest, detention and custodial interrogation and that , the applicants – Sadharam Baghel and Narendra Das are in jail since 03.06.2018 and no purpose would be served, if they are kept in detention till the conclusion of trial. Hence, taking into consideration the facts and

circumstances of the case, I am of this view that applicants - in M.Cr.C. (A) No.661 of 2018 and M.Cr.C.(A) No.803/2018 deserve to be granted anticipatory bail and and applicants in M.Cr.C. No. 5079 of 2018 and M.Cr.C. No.5650/2018 also deserve to be enlarged on regular bail.

11. Accordingly, the anticipatory bail applications of applicants in M.Cr.C. (A) No.661 of 2018 and M.Cr.C.(A) 803/2018 are allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offences, they shall be released on bail by the officer arresting them on their executing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :

- (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that the applicants 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 the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

12. Likewise, the regular bail applications bearing M.Cr.C. No.5079/2018 and M.Cr.C. No.5650/2018 filed under Section 439 of Cr.P.C. are

allowed. It is directed that applicants in M.Cr.C. No.5079 of 2018 and M.Cr.C. No. 5650/2018 shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the trial Court concerned, for their appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram