

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C. (A) No. 1193 /2015

Dwarika Prasad Chandravanshi, S/o. Shri Khilawan Chandravanshi, Aged About 34 Years, Occupation- Computer & Photocopy Shop, R/o. Ramhepur, P.S. Bodla, District - Kabirdham (Kawardha), Civil & Revenue District - Kabirdham (Chhattisgarh).

---- Applicants

Versus

State Of Chhattisgarh, Through the Police Station Pipariya, District- Kabirdham (Chhattisgarh).

---- Respondents

For Applicant : Mr. Sandeep Shrivastava, Advocate

For Respondent : Mr. O.P.Sahu, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

03/12/2015

1. Apprehending arrest in connection with Crime No.2/2014 registered at Police Station- Pipariya, District Kabirdham (C.G.) for the offence punishable under Section 420, 467, 468, 471/34 of Indian Penal Code, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, in brief, a report was made on 17.01.2014 by the Manager, Chhattisgarh Rajya Gramin Bank, Branch Rabeli, that the present applicant prepared forged documents of different villagers and got them loan sanctioned under the KCC scheme amounting to Rs.88,31,900/- and the documents which were placed before the Bank were forged, which were prepared by the applicant and consequently the matter is being investigated.
3. Learned counsel for the applicant submits that all the loan which is alleged have been repaid and the amount is not disbursed to the person other than loanee and unless and until the concerned

agriculturist appears before the Bank in person, the loan cannot be availed; consequently if any allegations have been made that the forged document has been given it cannot be accepted as correct statement of fact. He further submits that the investigation is going on since 2014; therefore, he may be given the benefit of anticipatory bail.

4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail. He would submit that the applicant got the loan sanctioned of different villagers by preparing forged documents of the land papers and on that basis the loan though were sanctioned, however, subsequently he took back the amount from the loanee on the ground that he has prepared the documents. He further submits that under the facts and circumstances, custodial interrogation is required considering the allegation made.
5. I have heard learned counsel for the parties and perused the case diary.
6. I have gone through the case diary, documents and statements. The case diary records various statements of the agriculturist. Taking into account the documents collected which is the part of the case diary, which contains the statement of villagers and Patwari, it is not a case where the benefit of Section 438 can be extended to the applicant, therefore, I am not inclined to grant anticipatory bail to the applicant, as perusal of case diary would indicate that it is not a case wherein it can be assumed that custodial interrogation may not be required. Consequently, I am not inclined to allow the application.
7. Accordingly, the anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge