

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 193 of 2016

- Ram Singh Bal S/o Late Bhajpal Singh Aged About 58 Years R/o Village Jhalmala, P.S City Kotwali, Tahsil & District Raigarh, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh through the Station House Officer, Police Station City Kotwali, District Raigarh, Chhattisgarh. --- **Respondent**

For the applicant : Mr. Vivek Tripathi, Advocate.
For the Respondent : Mr. Anupam Dubey, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

30.03.2016

1. Apprehending arrest in connection with Crime No. 35 of 2016 registered at Police Station City Kotwali, Distt. Raigarh (C.G) for the offence punishable under sections 420, 467, 468, 471, 120-B of IPC, the applicant has filed this application u/s 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, the applicant in the year 2012 approached different villagers of village Bhidbhida and told them that the Government is providing money to the tune of Rs.10,000 - 20,000/- which are not required to be paid back and took different villagers to UCO Bank, collected their voter ID Cards, Rinpustika etc., and got certain documents signed and subsequently they came back and some amount of Rs.10,000 – 20,000/- was given to the different villagers on the same day. Subsequently, in the year 2015, the complainants

received notices from the bank for repayment and on enquiry it was revealed that Kisan Credit Loans have been disbursed in the name of different beneficiaries i.e., agriculturists and the applicant in connivance of the Branch Officials of UCO bank had defrauded, thereby approximately Rs.65 lakhs was siphoned off.

3. Learned counsel for the applicant submits that the different borrowers had obtained bank loans and the loans are being given by way of "Account Payee Cheques" and the borrowers themselves had committed defaults in repayment of loans and in order to avoid the payment, false allegations have been made. Therefore, he submits that the applicant has not played any role with the commission of crime and he may be enlarged on anticipatory bail.
4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. Perused the case diary as also the statements of villagers wherein it is stated that the applicant had met different villagers, took them to the Bank, got certain documents signed and thereafter paid them certain amounts to the tune of Rs.10,000 – 20,000/- with an assurance that the amounts are paid by the Government and same would not be required to be repaid.
6. Prima facie reading of the statement would show that the applicant along with Bank officials had siphoned off the money . Further the case diary also contains that the applicant approached the borrowers and asked them not to give any statement, therefore, tampering of evidence cannot be ruled out.

7. Considering the evidence available in this case, I am of the opinion that it is not a fit case to extend the benefit of section 438 Cr.P.C. Accordingly, it is rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**

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