

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 438 of 2017

- Deepak Kumar Mali S/o Late Ramkrishna Mali, R/o Purana Police Line, Raigarh, Tahsil And District- Raigarh, Civil And Revenue District- Raigarh Chhattisgarh. **--- Applicant**

Versus

- State of Chhattisgarh through thana In Charge, Chakradhar Nagar, District- Raigarh Chhattisgarh. **--- Respondent**

For Applicant : Mr. Rajendra Tripathil, Advocate

For Respondent : Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

01.02.2017

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 316/2016, registered at Police Station Chakradharnagar, District Raigarh (C.G.) for the offence punishable under Sections 420, 467, 468, 471, 120-B, 511/34 of Indian Penal Code. The earlier bail application was dismissed as withdrawn on 14.12.2016 with liberty to repeat the same after filing of the charge sheet.
2. As per the prosecution case, a complaint was made by Laxmi Prasad, Hariram, Goverdhan, Basantram & Tikaram that on the basis of the forged Rin-pustika and Revenue papers i.e. Khasra & B1, the present applicant tried to obtain loan from the HDFC Bank under KCC; though the said loan application was never submitted by the proposed loanee. Thereby, the offence has been committed.
3. Learned counsel for the applicant would submit that at the instance of the complainant himself, the loan application was presented but subsequently since interest rate was higher, the proposed loanee

backed out and they did not avail the loan and thereafter, the report was made. He further submits that this is the second bail application, the first bail application was dismissed as withdrawn with liberty to repeat after filing of the charge and now the charge sheet has been filed and no further investigation is necessary. He further submits that similarly placed co-accused Sunil Patel has been enlarged on bail by this Court in in M.Cr.C. Nos. 114, 117, 125 & 127 of 2017 on 23.01.2017 therefore, the present applicant may also be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail. However, on verification he do not dispute the fact that similarly placed co-accused has been enlarged on bail by this Court.
5. Perused the case diary and the documents. Considering the nature of allegations and the fact that all the evidence appears to be documentary in nature; the charge sheet has been filed and the applicant is in jail since 02.11.2016 as also the fact that similarly placed co-accused has been enlarged on bail by this Court in M.Cr.C. Nos. 114, 117, 125 & 127 of 2017 on 23.01.2017, I am inclined to allow this bail application.
6. Accordingly, all the bail application is allowed and It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge