

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 270 of 2017**

Dilip Kumar Choudhary S/o Shri Badriprasad Choudhary Aged About 27 Years Occupation- Service (Shiksha Karmi), R/o Village- Ameri Police Station- Sariya, Tahsil- Baramkela, District- Raigarh, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Officer In Charge Of Police Station- Chakradhar Nagar, Raigarh, District- Raigarh, Chhattisgarh.

---- Respondent

For the Applicant : Shri Roop Naik, Advocate.
For the Respondent/State : Shri O.P. Sahu, Government Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****13.11.2017**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.

2. It is submitted by counsel for the applicant that the applicant is apprehending arrest in connection with Crime No. 317 of 2016, registered at Police Station – Chakradhar Nagar, Raigarh, District – Raigarh, Chhattisgarh for the offences punishable under Sections 420, 467, 468, 471, 120(B) and 511/ 34 of the Indian Penal Code.

3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. As per the contents of the charge-sheet, the applicant has simply accompanied main accused - Sunil Patel to meet the persons, namely, Kailash Patel and Chandrika Prasad Dansena who have

provided the *rin pustika* of the farmers to Sunil Patel for obtaining loan on the basis of Kisan Credit Card from HDFC Bank. Again the applicant had been in company with main accused – Sunil Patel when the application for loan was submitted by Sunil Patel in the HDFC Bank. It was the applicant who was in the company of the bank officers, when the enquiry was made from the said farmers who had applied for the loan on the basis of Kisan Credit Cards. Hence, on no occasion the applicant had any intention to defraud any person neither on the basis of possession of any said forged document nor obtaining the *rin pustika* of any of the farmers. Hence, it is prayed that the applicant be enlarged on bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the statement of the witnesses under Section 161 of the Code of Criminal Procedure demonstrates that the applicant had been in company of main accused – Sunil Patel all the time when the attempt was made to obtain loan on the basis of the forged documents and *rin pustika* etc of the farmers. Hence, the applicant is not entitled for bail.

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

6. As per the FIR, forged documents and *rin pustika* was submitted in the HDFC Bank for the purpose of grant of loan of Rs.10,00,000/- in the name of five different farmers. On verification made by the Bank Officials, the forgery of the documents were found and on that basis the applicant and other persons were booked in this case.

7. Considering the submissions made and the contents of the case diary, specifically looking to the statement of the witnesses and the contents of the memorandum statement of main accused - Sunil Patel, the applicant had been in the company of the main accused at the time of submitting documents for obtaining loan and he was also in the company of the officers when the enquiry was made about the loan papers submitted, I am of the view that the applicant deserves to be released on anticipatory bail.

8. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the Officer arresting him on 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. The applicant shall also abide by the following conditions:

- '(i) that the applicant shall make himself available for interrogation before the Investigating Officer as and when required;
- (ii) that the applicant 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 them from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge