

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2535 of 2017

- Yeshu Ram Patel S/o Shri Shiv Kumar Patel, Aged About 26 Years
R/o Village Daniya, Post Bori, Tehsil Dhamdha, District Durg,
Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through The Station House Officer, Police
Station Pulgaon, Tahsil & District Durg, Chhattisgarh.

---- Respondent

For the applicant	:	Mr. T. Bhattacharya, Advocate
For the State	:	Mr. Sangharsh Pandey, Panel Lawyer

MCRC No. 4887 of 2017

- Hemkaran Kumar Patel S/o Pawan Patel, Aged About 24 Years R/o
Village Kodiya, P. S. Nandani, Tehsil Dhamda, District Durg Civil And
Revenue District Durg Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through Police Station Pulgaon District Durg
Chhattisgarh.

---- Respondent

For the applicant	:	Mr. Avinash Chand Sahu, Advocate
For the State	:	Mr. Sangharsh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

11.08.2017

1. These are two bail application filed under Section 439 of the
Code of Criminal Procedure seeking grant of regular bail to

the applicants in connection with Crime No. 149 of 2016 (As per the Charge sheet 149/2017) registered at P.S. Pulgaon, Distt. Durg (C.G) for the offence punishable under Sections 420, 467, 468, 471, 120-B of IPC. Since both these bail applications are relating to the same crime number, they are decided by this common order.

2. As per the prosecution case, a report was made by complainant Dilip Mahajan, Branch Manager of Dena Bank that few persons have obtained loan on the basis of forged title documents and one of the borrower was Yeshu Ram Patel in whose favour a loan of Rs.9,62,000/- was sanctioned, out of which certain amounts were deposited in his loan account and presently an amount of Rs.6,90,515/- was outstanding. Likewise borrower Hemkaran Kumar Patel was sanctioned a loan of Rs.21,51,000/- out of which Rs.14,64,000/- was transferred in his account and more than Rs.10 lakhs was outstanding. It is alleged that the loans were obtained on the basis of forged document of Rinpustika inflating the areas of lands and also showing the lands which were not recorded in their name, thereby the offence has been committed.
3. Learned counsel for the applicants would submit that in fact the entire loan was manipulated and transacted through one Toranlal who has deposited the documents and these applicants have not committed any forgery. It is further submitted that the loan was obtained and repayments were also being made. It is submitted that the charge sheet has been filed and the applicants are in jail since 18.03.2017, therefore, they may be enlarged on bail.

4. On the other hand, learned State Counsel opposes the prayer. It is submitted that the statement of Kotwar would show that in the name of Yesu Ram Patel the area of land was inflated in the Rinpustika and in respect of Hemkaran no land was recorded in his name, however, the land was shown in Rinpustika and the loans were obtained.
5. Perused the voluminous documents. It shows that the applicants have obtained the loans from Dena Bank and it is alleged that the area of land was inflated and immovable properties were not held by them. The charge sheet would show that all the documents have been seized and the statement of witnesses i.e., Kotwar and others have been recorded.
6. Considering such facts situation of the case and the evidence available in this case is documentary nature as also fact that the charge sheet has been filed, no further investigation is necessary and the applicants are in jail since 18.03.2017, I am inclined to release the applicants on bail.
7. Accordingly the bail application is allowed and the applicants Yesu Ram Patel and Hemkaran Kumar Patel are directed to be released on bail on each of them executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the trial Court for their appearance before the said Court.

Cc as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**