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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3075 of 2017

- Anshul Kumar Bafna S/o Shri Shantilal Bafna Aged About 32 Years R/o Arihant Heights, House No. 303, Pachpedi Naka, Near Sanjivani Hospital, Raipur, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station- Civil Lines, Raipur, District Durg, Chhattisgarh.

---- Respondent

For Applicant	:	Ms. Fouzia Mirza, Advocate
For Respondent-State	:	Shri Anupam Dubey, Dy. GA for the State

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HON'BLE The Vacation Judge

Order On Board

23/05/2017

1. This is the First Bail Application under Section 439 of Cr.P.C. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.400/2014, registered in Police Station Civil Lines, Raipur, Distt. Raipur, CG, for offence under Sections 420, 467, 468 & 471 of IPC.
2. According to the prosecution, the applicant impersonated and presented himself as Mann Kumar Rai to obtain financial assistance of Rs.17,70,000/- from the State Bank of India, Tatibandh Branch. In course of the due diligence before sanction of the loan, the applicant allegedly submitted forged documents on the basis of which the loan papers were processed and cleared.
3. The FIR has been lodged by one Shri DK Upadhyay of SBI, Tatibandh Branch, however, on perusal of case-diary, it appears when the said Mann

Kumar Rai committed default in repayment of loan, the Bank repossessed the vehicle not from this applicant but from the parking place of the apartment complex, where the applicant resides. There is no document also affecting the seizure from the premises. Ordinarily, before processing the loan papers, the Bank obtains CIBIL report and physical verification of the prospective borrower through its own agency and the loan amount is transferred to the Bank account of the borrower and thereafter a Demand Draft or Banker's Cheque is prepared in the name of the dealer through which the vehicle is to be delivered. The PAN No., Income Tax Details etc. are also obtained by the Bank and the same is to be verified by the Bank officers, therefore, it appears, at the processing stage, there may be culpability of the bank officers also. It is also to be seen that on default of repayment of loan the Bank immediately sold the vehicle to one Mannpreet Singh Garcha for Rs.10,51000/- and the said Mannpreet Singh Garcha sold it to Anuradha Modi. The applicant alleges that his papers were lying with Ashish Shukla, an Income Tax Advisor, who has forged the papers and obtained the loan by affixing applicant's photograph and forged the signature of Mann Kumar Rai.

4. Considering the nature of allegation and the possible involvement of the bank officers/employees and the Income Tax Advisor Shri Ashish Shukla, it appears, the matter needs to be investigated by the Central Bureau of Investigation, therefore, while releasing the applicant on bail for a period of six months from today, the concerned Police is directed to handover the matter to the CBI for further fair investigation to find out as to whether, in addition to the present applicant, any other individual is also involved in committing the present offence.

5. For the foregoing, the bail application is allowed and the applicant is directed to be released on bail for a period of six months on his

executing a personal bond in sum of Rs.5,00,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

6. Case-diary of the present crime shall be handed over to the Superintendent of Police, CBI-Bhilai, within a period of 15 days from today. Learned State counsel shall instruct the concerned police and the Superintendent of Police, CBI-Bhilai, immediately.

Sd/-

V. Judge

Prashant Kumar Mishra

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