

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 679 of 2018**

Prakash Reddy, S/o. Shankar Rao Reddy, Aged About 31 Years, R/o. New Deendayal Nagar Colony, Khemhariya, Bhilai Chowki, Jevra Risda, Police Station- Pugaon, District -Durg, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through : Station House Officer, P.S. Saja, District -Bemetara, Chhattisgarh.

---- Respondent

For Applicant : Mr. B.P. Singh, Advocate

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**09/04/2018**

1. This is the first 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.248/2017, registered at Police Station- Saja, District – Bemetara (C.G.) for the offence punishable under Section 420, 409, 467, 468, 471, 120-B of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 26.07.2017. No case is made out against the applicant on the basis of the material present in the charge -sheet. This applicant was posted as Cashier in Gramin Bank, Kodwa, where the main role in

sanctioning KCC loan has been played by the Rajesh Sharma. This applicant has simply in compliance with the loan sanctioned, transferred the loan amount to the accounts of the beneficiaries and the amount was withdrawn by the beneficiaries themselves. The applicant has not received the amount of the alleged defalcation. Certified copy of the statement of the witnesses has been produced before this Court. It is submitted that none of the independent witnesses have supported the case of the prosecution and declared hostile. Hence, under these circumstances, it is prayed that the applicant may be enlarged on bail.

3. Learned State counsel opposes the prayer for grant of bail and the submission made in this respect. It is submitted that this applicant was a party to the conspiracy by which 131 fake KCC loan cases were prepared by the main accused Rajesh Sharma and that proceeding was completed by this applicant by transferring the money into the account of the fake beneficiaries and the amount deposited in fake bank accounts were withdrawn and misappropriated by this applicant with the other co-accused persons. Hence, no case is made out for grant of bail.
4. I have heard the learned counsel for the parties and perused the case diary.
5. The complainant Sushil Kumar Mohanti, Branch manager, of Chhattisgarh State Gramin Bank, Branch- Kodwa made a written complaint stating that between June 2014 to 16.05.2017 accused Rajesh Sharma posted as Branch Manager and this applicant was posted as Cashier between 06.07.2011 to 01.06.2015. On complaint received from the so called beneficiaries/farmers, enquiry was made

and it was found that 131 fake KCC loan cases were sanctioned during the tenure of the accused persons and the amount withdrawn to the tune of Rs.1,40,00,000/- was misappropriated causing huge loss to the Gramin Bank. So called beneficiaries have given statement in the investigation that fake loan cases were prepared in their names and they have not received any amount of the loan sanctioned. It is alleged that this applicant in capacity of the Cashier of the bank have collaborated in the conspiracy of committing the offence registered as above.

6. Considered the submissions made and the contents of the case diary. The statement given by Sushil Kumar Mohanti under Section 161 of Cr.P.C. clearly shows that this applicant in capacity of Cashier of the Bank had been instrumental in disbursing the amount of the loan sanctioned in the fake loan cases, thus causing huge loss to the bank. This appears to be a case of offence committed on large scale because of which a number of persons, in whose names, fake loan have been sanctioned have been made to suffer hardship on account of crime committed by this applicant along with other co-accused, hence for this reason, this Court is of the opinion that present is not a fit case, in which, the applicant should be enlarged on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge