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HIGH COURT OF CHHATTISGARH, BILASPUR**Order Reserved on : 18/04/2018****Order Delivered on : 25/04/2018****M.Cr.C. No. 690 of 2018**

Ramesh Kumar Dewangan S/o Late Shri Kunjram Dewangan Aged About 46 Years Wrongly Mentioned As Ramesh Kumar In Order Sheet, Record Clerk / Cashier, At L I C Mungeli, Chhattisgarh, R/o Near OI Punjab National Bank, Gandhi Ward, Mungeli, Chhattisgarh., District : Mungeli, Chhattisgarh.

---- Applicant**Versus**

Union Of India Through- Superintendent Of Police, Central Bureau Of Investigation, ACB District- Bhilai (C.G.), District : Durg, Chhattisgarh.

---- Respondent**And****M.Cr.C. No. 1234 of 2018**

Sudershan Singh Jaskar S/o Shri Bhakachand Jaskar Aged About 50 Years Assistant Branch Manager (Sales) At Lic Mungeli (C.G.), R/o Village Katghora Post Bargwan Tel Akaltara District- Janjgir-Champa (C.G.), District : Janjgir-Champa, Chhattisgarh.

---- Applicant**Vs**

Union Of India Through- Superintendent Of Police, Central Bureau Of Investigation, ACB District- Bhilai (C.G.), District : Durg, Chhattisgarh.

---- Respondent**And****M.Cr.C. No. 1238 of 2018**

Sudershan Singh Jaskar S/o Shri Bhakachand Jaskar Aged About 50 Years Assistant Branch Manager (Sales) At Lic Mungeli (C.G.), R/o Village Katghora Post Bargwan Tel Akaltara District- Janjgir-Champa (C.G.), District : Janjgir-Champa, Chhattisgarh.

---- Applicant**Vs**

Union Of India Through- Superintendent Of Police, Central Bureau Of Investigation, ACB District- Bhilai (C.G.), District : Durg, Chhattisgarh.

---- Respondent**And****M.Cr.C. No. 1239 of 2018**

Ashok Kumar Katheria wrongly mentioned as Ashok Kumar in order sheet, S/o Late Shri C. K. Katheria Aged About 57 Years Administrative Officer, At

Lic Mungeli (C.G.), R/o Deen Dayal Colony, Behind Panchayat Office
Manegaon Ranjhi, Jabalpur (M.P.), District : Jabalpur, Madhya Pradesh.

---- Applicant

Vs

Union Of India Through- Superintendent Of Police, Central Bureau Of
Investigation, ACB District- Bhilai (C.G.), District : Durg, Chhattisgarh.

---- Respondent

And

M.Cr.C. No. 1241 of 2018

Sudershan Singh Jaskar S/o Shri Bhakachand Jaskar Aged About 50 Years
Assistant Branch Manager (Sales) At Lic Mungeli (C.G.), R/o Village
Katghora Post Bargwan Tel Akaltara District- Janjgir-Champa (C.G.), District
: Janjgir-Champa, Chhattisgarh.

---- Applicant

Vs

Union Of India Through- Superintendent Of Police, Central Bureau Of
Investigation, ACB District- Bhilai (C.G.), District : Durg, Chhattisgarh.

---- Respondent

And

M.Cr.C. No. 1242 of 2018

Sudershan Singh Jaskar S/o Shri Bhakachand Jaskar Aged About 50 Years
Assistant Branch Manager (Sales) At Lic Mungeli (C.G.), R/o Village
Katghora Post Bargwan Tel Akaltara District- Janjgir-Champa (C.G.), District
: Janjgir-Champa, Chhattisgarh.

---- Applicant

Vs

Union Of India Through- Superintendent Of Police, Central Bureau Of
Investigation, ACB District- Bhilai (C.G.), District : Durg, Chhattisgarh.

---- Respondent

And

M.Cr.C. No. 1244 of 2018

Sudershan Singh Jaskar S/o Shri Bhakachand Jaskar Aged About 50 Years
Assistant Branch Manager (Sales) At Lic Mungeli (C.G.), R/o Village
Katghora Post Bargwan Tel Akaltara District- Janjgir-Champa (C.G.), District
: Janjgir-Champa, Chhattisgarh.

---- Applicant

Vs

Union Of India Through- Superintendent Of Police, Central Bureau Of
Investigation, ACB District- Bhilai (C.G.), District : Durg, Chhattisgarh.

---- Respondent

And

M.Cr.C. No. 1246 of 2018

Sudershan Singh Jaskar S/o Shri Bhakachand Jaskar Aged About 50 Years

Assistant Branch Manager (Sales) At Lic Mungeli (C.G.), R/o Village Katghora Post Bargwan Tel Akaltara District- Janjgir-Champa (C.G.), District : Janjgir-Champa, Chhattisgarh.

---- Applicant

Vs

Union Of India Through- Superintendent Of Police, Central Bureau Of Investigation, ACB District- Bhilai (C.G.), District : Durg, Chhattisgarh.

---- Respondent

And

M.Cr.C. No. 1248 of 2018

Ashok Kumar Katheria Wrongly Mentioned As Ashok Kumar In Order Sheet S/o Late Shri C.K. Katheria Aged About 57 Years Record Administrative Officer, At Lic Mungeli (C.G.), R/o Deen Dayal Colony, Behind Panchayat Office Manegaon Ranjhi, Jabalpur (C.G.), District : Jabalpur, Madhya Pradesh.

---- Applicant

Vs

Union Of India Through- Superintendent Of Police, Central Bureau Of Investigation, ACB District- Bhilai (C.G.), District : Durg, Chhattisgarh.

---- Respondent

And

M.Cr.C. No. 1262 of 2018

Sudershan Singh Jaskar S/o Shri Bhakachand Jaskar Aged About 50 Years Assistant Branch Manager (Sales) At Lic Mungeli (C.G.), R/o Village Katghora Post Bargwan Tel Akaltara District- Janjgir-Champa (C.G.), District : Janjgir-Champa, Chhattisgarh.

---- Applicant

Vs

Union Of India Through- Superintendent Of Police, Central Bureau Of Investigation, ACB District- Bhilai (C.G.), District : Durg, Chhattisgarh.

---- Respondent

And

M.Cr.C. No. 1882 of 2018

Rajendra Kumar Sahu S/o Late Shri Jagdish Ram Sahu Aged About 48 Years Cashier, Life Insurance Company Limited, Branch Office Raipur-1, Civil Line, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh.

---- Applicant

Vs

Union Of India Through- Superintendent Of Police, Central Bureau Of Investigation, ACB District- Bhilai (C.G.), District : Durg, Chhattisgarh.

---- Respondent

And

M.Cr.C. No. 924 of 2018

Shahid Mohammad Akhatar S/o Mohammad Anish Ansari, Aged About 39 Years R/o Ganesh Nagar Near Maszid Chuchuiyapara, Near Railway Station Bilaspur District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh.

---- Applicant

Vs

Central Bureau Of Investigation Anti Corruption Bureau, Raipur Branch Through Superintendent Of Police, Central Bureau Of Investigation, Chhattisgarh, Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh.

---- Respondent

And

M.Cr.C. No. 1600 of 2018

Mulchand S/o Gangadhar Aged About 50 Years R/o.- Village- Jhulnakhurd, Post- Kodwabani, Tahsil And District- Mungeli, Chhattisgarh., District : Mungeli, Chhattisgarh.

---- Applicant

Vs

Government Of India Through- CBI, ACB, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh.

---- Respondent

And

M.Cr.C. No. 1358 of 2018

Mulchand S/o Gangadhar Aged About 50 Years R/o.- Village- Jhulnakhurd, Post- Kodwabani, Tahsil And District- Mungeli, Chhattisgarh, District : Mungeli, Chhattisgarh.

---- Applicant

Vs

Government Of India Through- CBI, ACB, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh.

---- Respondent

And

M.Cr.C. No. 1367 of 2018

Mulchand S/o Gangadhar Aged About 50 Years R/o.- Village- Jhulnakhurd, Post- Kodwabani, Tahsil And District- Mungeli, Chhattisgarh., District : Mungeli, Chhattisgarh.

---- Applicant

Vs

Government Of India Through- CBI, ACB, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh.

---- Respondent

And

M.Cr.C. No. 1368 of 2018

Mulchand S/o Gangadhar Aged About 50 Years R/o.- Village- Jhulnakhurd, Post- Kodwabani, Tahsil And District- Mungeli, Chhattisgarh., District : Mungeli, Chhattisgarh.

---- Applicant

Vs

Government Of India Through- CBI, ACB, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh.

---- Respondent

And

M.Cr.C. No. 1535 of 2018

Mulchand S/o Gangadhar Aged About 50 Years R/o.- Village- Jhulnakhurd, Post- Kodwabani, Tahsil And District- Mungeli, Chhattisgarh., District : Mungeli, Chhattisgarh.

---- Applicant

Vs

Government Of India Through- CBI, ACB, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh.

---- Respondent

And

M.Cr.C. No. 1552 of 2018

Mulchand S/o Gangadhar Aged About 50 Years R/o.- Village- Jhulnakhurd, Post- Kodwabani, Tahsil And District- Mungeli, Chhattisgarh., District : Mungeli, Chhattisgarh.

---- Applicant

Vs

Government Of India Through- CBI, ACB, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Maneesh Sharma, Shri Pragalbha Sharma, Shri Raghvendra Pradhan, Shri Manoj Paranjpe and Shri Akhtar Hussain, Advocates.
For the Respondent/CBI	:	Shri Kishore Bhaduri, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

CAV ORDER

25.04.2018

1. All these applications are being decided by this common order as they arise from the similar matter.

2. These are the first bail applications of the applicants filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to them, who have been arrested by the Police Station Central Bureau of Investigation, ACB, District Bhilai, Chhattisgarh for the offences punishable under Sections 109, 420, 467, 468 and 471 of the Indian Penal Code and Section 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988 in the following crime numbers:

S.No.	Case Number	Crime Number
1.	M.Cr.C. No. 690 of 2018	RC1242015A0004
2.	M.Cr.C. No. 1234 of 2018	RC1242015A0004 of C/2017
3.	M.Cr.C. No. 1238 of 2018	RC1242015A0004 of J/2017
4.	M.Cr.C. No. 1239 of 2018	RC1242015A0004
5.	M.Cr.C. No. 1241 of 2018	RC1242015A0004 of J/2017
6.	M.Cr.C. No. 1242 of 2018	RC1242015A0004 of K/2017
7.	M.Cr.C. No. 1244 of 2018	RC1242015A0004
8.	M.Cr.C. No. 1246 of 2018	RC1242015A0004 of H/2017
9.	M.Cr.C. No. 1248 of 2018	RC1242015A0004
10.	M.Cr.C. No. 1262 of 2018	RC1242015A0004 of B/2017
11.	M.Cr.C. No. 1882 of 2018	RC1242015A0004
12.	M.Cr.C. No. 924 of 2018	RC1242015A0004 of F/2017
13.	M.Cr.C. No. 1600 of 2018	RC1242015A0004
14.	M.Cr.C. No. 1358 of 2018	RC1242015A0004
15.	M.Cr.C. No. 1367 of 2018	RC1242015A0004
16.	M.Cr.C. No. 1368 of 2018	RC1242015A0004
17.	M.Cr.C. No. 1535 of 2018	RC1242015A0004
18.	M.Cr.C. No. 1552 of 2018	RC1242015A0004

3. It is submitted by the counsel for the respective applicants that all the applicants have been falsely implicated in these cases. No case is made out against the applicants according to the charge-sheet filed before the concerned Court. All the applicants are in jail since quite sometime. Presently, the case is before the trial Court and the trial against the applicants is likely to take sometime for its conclusion. Applicants are the officers and employees of the Life Insurance Corporation of India. The only thing that can be attributed on their part is that they had committed irregularities in duty which can be dealt departmentally. Hence, it is prayed that the applicants in all the cases be enlarged on bail.

4. Learned counsel for the Central Bureau of Investigation opposes the bail applications and submits that all the officers and staff of the LIC of India are equally responsible in the commission of the offences in these cases and they can also be regarded as beneficiaries of the fake loan cases which had been approved and disbursed by them to a person who was neither entitled nor authorized by the policy holders, as such, all have conspired together in commission of the offences alleged. Hence, for these reasons, none of the applicants deserves to be enlarged on bail.

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

6. According to the prosecution case, the following applicants are posted in LIC of India, Mungeli:

S.No.	Case Number	Name of the Applicant	Posted As
1.	M.Cr.C. No.690/2018	Ramesh Kumar Dewangan	Cashier in LIC of India, Mungeli.
2.	M.Cr.C. No.1234/2018	Sudershan Singh Jaskar	Assistant Branch Manager in LIC of India, Mungeli.
3.	M.Cr.C. No.1238/2018	Sudershan Singh Jaskar	Assistant Branch Manager.
4.	M.Cr.C. No.1239/2018	Ashok Kumar Katheria	Cashier in LIC of India, Mungeli.
5.	M.Cr.C. No.1241/2018	Sudershan Singh Jaskar	Assistant Branch Manager.
6.	M.Cr.C. No.1242/2018	Sudershan Singh Jaskar	Assistant Branch Manager.
7.	M.Cr.C. No.1244/2018	Sudershan Singh Jaskar	Assistant Branch Manager.
8.	M.Cr.C. No.1246/2018	Sudershan Singh Jaskar	Assistant Branch Manager.
9.	M.Cr.C. No.1248/2018	Ashok Kumar Katheria	Administrative Officer in LIC of India, Mungeli.
10.	M.Cr.C. No.1262/2018	Sudershan Singh Jaskar	Assistant Branch Manager.
11.	M.Cr.C. No.1882/2018	Rajendra Kumar Sahu	Cashier in LIC of India, Mungeli.
12.	M.Cr.C. No.924/2018	Shahid Mohammad Akhatar	Clerk in LIC of India, Mungeli.
13.	M.Cr.C. No.1600/2018	Mulchand	Cashier in LIC of India, Mungeli.
14.	M.Cr.C. No.1358/2018	Mulchand	Cashier in LIC of India, Mungeli.
15.	M.Cr.C. No.1367/2018	Mulchand	Cashier in LIC of India, Mungeli.
16.	M.Cr.C. No.1368/2018	Mulchand	Cashier in LIC of India, Mungeli.
17.	M.Cr.C. No.1535/2018	Mulchand	Cashier in LIC of India, Mungeli.
18.	M.Cr.C. No.1552/2018	Mulchand	Cashier in LIC of India, Mungeli.

7. It is alleged that co-accused – Bhawani Shankar Tiwari, the son of Smt. Uma Tiwari, who is an agent in LIC filed applications for grant of loan on policies of the policy holders without their knowledge or consent by affixing forged signatures of the said policy holders. As the loan applications

so filed fraudulently with forged signatures, received approval at every stage by the applicants who held the position of authority to approve the same. Thus, 23 insurance policies were made use for sanction of fake loans and the amount of loan was withdrawn and received by Bhawani Shankar Tiwari, son of actual agent Smt. Uma Tiwari without any hindrance. Subsequently, the same policies were also surrendered by similar use of forged signatures and also where the original policies were not available, the duplicate policies were issued by the LIC office at Mungeli to Bhawani Shankar Tiwari. The maturity amount received was adjusted with other dues of the policy holders. Thus, the officers and staff of LIC of India at Mungeli station committed irregularities willfully and caused wrongful loss to the LIC of India to the tune of Rs.23,67,043/-. After lodging of FIR, the case has been investigated and the charge-sheet has been filed, which is pending for trial before the concerned Court.

8. Learned counsel for the applicants have placed reliance on the judgments of the Supreme Court in **Virupakshappa Gouda and Another vs. State of Karnataka and Another** reported in **(2017) 5 SCC 406** and **Dataram Singh vs. State of Uttar Pradesh and Another** reported in **(2018) 3 SCC 22** and prayed for grant of regular bail to the applicants in all the cases.

9. After perusal of the case-diary, it appears that the main accused in this case is Bhawani Shankar Tiwari, but there is *prima facie* evidence of involvement of all these applicants in allowing the bogus applications for loan and facilitating the issuance of duplicate policies for that purpose and also

for disbursing the amounts. Hence, for these reasons, a *prima facie* case is made out against all the applicants, but of course, it is a fact that the trial is likely to take considerable time for its conclusion.

10. Considering the fact that all the applicants are employed in the LIC of India and there is no likelihood of their absconsion during the pendency of the trial against them and presently, after completion of investigation the further detention of the applicants as under-trial prisoners would not serve any purpose, hence, I feel inclined to grant regular bail to the applicants in all the cases.

11. Accordingly, the bail applications filed by the applicants in all the cases under Section 439 of the Cr.P.C. are allowed.

12. It is directed that the applicants in all the cases shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- in respect of each crime with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge