

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 6856 of 2017**

Surendra Kumar, S/o. Sewakram, Aged About 34 Years, R/o. Village Chicholi,
Police Station - Nandghat and Tahsil - Nandghat, District - Bemetara
Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : Police Station -Saja, District - Bemetara
Chhattisgarh.

---- Respondent**And****M.CR.C. No. 6911 Of 2017**

Chhagan Lal Verma, S/o. Mehttar Verma, Aged About 26 years, R/o. Village
Panderbhattha, Police Station - Dharsinwa, District -Raipur, Chhattisgarh

---- Applicant**Vs**

State of Chhattisgarh, Through : Station House Officer, Police Station - Saja,
District -Bemetara, Chhattisgarh

---- Respondent**And****M.CR.C. No. 7185 of 2017**

1. Chakendra, S/o. Shri Bahal Singh Verma, Aged About 23 Years,
2. Rekhraj, S/o. Shri Bahal Singh Verma, Aged About 22 Years,
Both R/o. Village Oteband, Police Station - Bemetara, Tahsil and
District - Bemetara, Chhattisgarh.

---- Applicants**Vs**

State of Chhattisgarh, Through : The District Magistrate, Bemetara,
Chhattisgarh.

---- Respondent

For Applicants	: Mr. B.L. Dembra, N.L. Soni & Mr. P.P. Sahu, Advocates
For Respondent/State	: Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

11/01/2018

1. All the bail applications are heard and decided together by this common order as they are arising out of the same crime number and the incident.
2. These are the first bail applications filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have 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 Indian Penal Code.
3. It is submitted by the learned counsel for the applicant that the applicants have been falsely implicated in this case. The only piece of evidence against them in the case of prosecution is the memorandum statement given by co-accused person - Bahal Singh Verma, which is not admissible in evidence apart from that, there is no material against the applicants for prosecution against them. Applicants are in jail since 26.07.2017 and they are willing to comply with the conditions imposed for grant of bail, therefore, it is prayed that the applicants may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail applications and the submissions made in this respect. It is submitted that the applicants have assisted the co-accused Bahal Singh Verma in preparing and providing forged certified documents from revenue records, which were used for obtaining loans in the name of farmers and the said loan was never received by the farmers. In total Rs.2,18,00,000/- has been misappropriated by the main accused persons with the help of these applicants, hence, the applicants are not entitled for grant of bail.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. Complainant - Sushil Kumar Mohanti lodged FIR alleging that about 131 agricultural loan cases were sanctioned by the bank, on verification it was found that all the loans were sanctioned on fake grounds and forged documents, which were never received by the beneficiaries, the farmers. Thus, the amount withdrawn from the bank as loan from the bank has been misappropriated and defalcated by Rajesh Sharma, the then Branch Manager, P. Reddy, the then Cashier, and another Bahal Singh Verma, the facilitator.
7. Considered on the submissions made and the contents of the case diary. Taking into consideration the evidence i.e. proposed to be produced against the applicants in the prosecution case and the role as alleged to be played by them in commission of offence, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.

8. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.
9. It is directed that applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram