

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 1541 of 2018**

- Bahal Singh Verma S/o Kapil Verma, Aged About 43 Years, R/o- Village Oteband, Police Station, Tahsil And District- Bemetara, Chhattisgarh., District : Bemetara, Chhattisgarh

---- Applicant**Versus**

- The State Of Chhattisgarh Through- District Magistrate, Bemetara, District- Bemetara, Chhattisgarh., District : Bemetara, Chhattisgarh

---- Non-applicant

For Applicant – Shri N.L. Soni, Advocate.

For Non-applicant/State – Shri Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board
23-04-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 26-07-2017 in connection with Crime No.248/2017 registered at P.S. - Saja, District- Bemetara, Chhattisgarh for the offence under Section 420, 409, 467, 468, 471, 120B of the IPC.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 26-07-2017. No case is made out against this applicant. Similarly placed co-accused persons have been granted bail by this Court. Hence, it is prayed that this applicant may also be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the applicants who were granted bail were not similarly placed, whereas, the similarly placed co-accused Prakash Reddy has been denied bail by this Court in MCRC No.679/2018 vide order dated 09-04-2018. Hence, no case is made out for grant of bail to this applicant.

4. Heard learned counsel for the parties and perused the case diary.

5. Branch Manager of Chhattisgarh State Gramin Bank, Branch Kodwa made a written complaint to police that between June 2014 to 16-05-2017 main accused Rajesh Sharma was posted as Branch Manager and co-accused Prakash Reddy was posted as Cashier. On complaint received from the beneficiaries/farmers, an enquiry was made and it was found that 131 fake KCC loan cases were moved before the bank and were sanctioned and on that basis a total amount of Rs.1,40,00,000/- were withdrawn on the basis of fake loan cases and misappropriated. The allegation against this applicant is this that he was the person who brought the applications for loan in the name of beneficiaries/farmers of the area without any authorization or consent from them and all the applications that were forged were sanctioned by the bank authorities and loan was granted.

6. Memorandum statement recorded of this applicant, although is not legally admissible evidence, but it has its purpose for investigation. A number of witnesses namely the farmers/beneficiaries have been examined and they have clearly stated that they themselves had not authorized this applicant to apply for loan and the loan sanctioned has been misappropriated by the concerned applicant and other co-accused persons.

7. As submitted by counsel for the applicant, that the co-accused who have been granted bail have similarly placed compared to this applicant, is found to have no force as the co-accused persons who have been granted bail had assisted this applicant by providing him forged documents and there is no such evidence that they had been benefited in any manner. Hence, looking to the main role played by this applicant with the bank officials and also for the reason that similarly placed co-accused Prakash Reddy has been denied bail by this Court, hence, I am of this view that this applicant also does not deserve to be granted bail.

8. Consequently, the application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Aadil