

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3040 of 2018

Tilak Ram Ratre, S/o. Lakhan Lal Ratre, Aged About 35 Years, R/o. Village Nawagaon, Police Station -Nawagarh, District -Bemetara, Chhattisgarh.

---- Applicant

Versus

The State Of Chhattisgarh, Through : Police Station -Bemetara, District Bemetara, Chhattisgarh.

---- Respondent

M.CR.C. No. 3171 of 2018

Prakash Chandra Dhruwe, S/o. Shri Anuj Ram Dhruwe, Aged About 53 Years, R/o. Ashish Nagar, House No. 415-1, Street No. 12 West, Rishali Bhilai, Dist.- Durg Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : The Station House Officer, Police Station -Bemetara, District -Bemetara, Chhattisgarh.

---- Respondent

AND

M.CR.C. No. 3290 of 2018

Sunit Yadav, S/o. Narendra Singh Yadav, Aged About 52 Years, Occupation- Branch Manager, Bank Of India, Pachpedi Naka Raipur, R/o. 43 Preeti Vihar Amleshwar, District- Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- District Magistrate, Officer Incharge, P.S. Bemetara, District- Bemetara, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Malay Kumar Bhaduri, Advocate Mr. Ravindra Sharma, Advocate Mr. Akhil Mishra, Advocate
For State/respondent	: Mr. Anupam Dubey, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

08/05/2018

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.790/2017, registered at Police Station – Bemetara, District – Bemetara (C.G.), for the offence punishable under Section 419, 420, 467, 468, 471 read with Section 34 of the Indian Penal Code.
3. It is submitted by the learned counsel for the applicant – Tilak Ram Ratre that the applicant has been falsely implicated in this. No case is made out against him according to the material present in the prosecution case. Charge-sheet has been filed after completion of investigation. Trial of the case is likely to take sometime for its completion, hence, it is prayed that the applicant may be enlarged on bail.

4. It is submitted by the counsels for the applicants Prakash Chandra and Sunit Yadav that they are the officers of the concerned bank. The applicants had bonafidely performed their duties by approving the application of loan and they are not the beneficiaries of the amount withdrawn, hence, it is prayed that they may be enlarged on bail.
5. On the other hand, learned counsel for the State opposes the bail applications and the submission made in this respect. It is submitted that it is a case in which, the accused person namely Tilak Ram Ratre and others appeared and presented forged papers like Rin-Pustika and others for sanction of loan before the UCO Bank, Bemetara, Bank of India, Bemetara and Chhattisgarh Rajya Gramin Bank, Branch Balsamund. The bank officers have collaborated and were helped by another co-accused namely Ramesh Tripathi, Advocate and forged papers were certified by them and loans were sanctioned. The lands that were held as security for repayment of loan belonged to other person, who have come forward and made complaint. Hence, it is clear case of fraud, forgery and cheating. No case is made out for grant of bail to any of the accused persons.
6. I have heard the learned counsel for both the parties and perused the case diary.
7. Complainant Amardas Banjare is the original land owner, he came to know from the Tahsil Office at Navagarh, that his lands were mortgaged in UCO Bank, Bemetara, Bank of India, Bemetara and Gramin Bank, Branch Balsamund, against some loan sanctioned by these banks. On enquiry, he came to know that forged Rin-pustika and other papers were used and on that basis loan of Rs.2,70,000/- were

sanctioned in favour of applicant Tilak Ram Ratre by UCO Bank. Similarly Bank of India, had sanctioned loan of Rs.2.00 lakhs in favour of one Bisan Das. In another loan transaction, Gramin Bank, Balsamund has sanctioned loan of Rs.99,000/- in favour of co-accused Bisandas on the basis of forged revenue papers in which the applicant Tilak Ram Ratre and Bisan Das are shown as land owners, whereas the lands belongs to the complainant. The allegation against the applicants Sunit Yadav & Prakash Chandra Dhruwe according to the statement of the witness are that they verified the land, which were mortgaged against loan and had certified the same for the purpose of sanctioning the loan.

8. Considered on the submissions made, contents of the case diary and on all the material present in the case diary. It has been submitted by the counsel for the applicant that two of the co-accused persons have been granted bail by the concerned Sessions Court on this ground that they had deposited the loan amount sanctioned and the applicant -Tilak Ram Ratre also intends to repay the loan amount, which has been sanctioned in his favour by the bank. Presently, the case is pending for trial before the Chief Judicial Magistrate, Bemetara as the investigation is complete and no purpose would be served, if the, applicants are kept in detention, till the conclusion of trial, hence for these reasons, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
9. Accordingly, all the bail applications filed under Section 439 of the Cr.P.C. are allowed.

10. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each 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