

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3519 of 2018

- Gopi Chand Krishnani S/o Shri H. S. Krishnani, Aged About 48 Years, R/o- Near Holy Cross School, Baronbazaar, P.S. Civil Line, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

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

---- Non-applicant

MCRC No. 3833 of 2018

- Ashok Khariyal S/o Late Julfi Ram Khariyal, Aged About 62 Years, R/o A-65, Surya Apartment, Police Station- Civil Lines, Raipur, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Maneesh Sharma, Advocate (in MCRC No.3519/2018),
Smt. Fouzia Mirza, Advocate (in MCRC No.3833/2018).
For Non-applicant/State – Shri Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

19-06-2018

1. As these two applications arise out the same crime number, i.e, Crime No.660/2016 registered at Police Station Civil Lines, Raipur, District Raipur, C.G. for the offences under Section 420, 467, 468, 471, 120B, 34 of the IPC, they are being decided by this common order.
2. Heard on the applications filed under Section 439 of the Cr.P.C. These are first bail applications before this Court filed by the applicants for grant of regular bail. Applicant Gopi Chand Krishnani (in MCRC No.3519/2018) has been arrested on 23-04-2018 and applicant Ashok Khariyal (in MCRC No.3833/2018) has been arrested on 14-05-2018 in connection with aforesaid crime number and offences.
3. It is submitted by counsel for the applicants in both the applications that

the applicants have been falsely implicated in this case. Applicant Ashok Kharial (in MCRC No.3833/2018) was Branch Manager of Punjab National Bank at the relevant point of time between 2006 to 2011 and applicant Gopi Chand Krishnani (in MCRC No.3519/2018) was the agent, through whom the borrowers had obtained loan from the Punjab National Bank. It is submitted that loan for purchase of flats that was disbursed through applicant Gopi Chand Krishnani from the Punjab National Bank in the year 2010 was secured with flat No.101, 102, 103 and 104 of Khushi Towers. Subsequently, the builders obtained loan in the year 2013 from UCO bank for construction of Khushi Towers. Thereafter, the building was constructed and possession was handed over to the purchasers. As the builders failed to repay the loan, the whole building of the Khushi Towers that was mortgaged against the loan was sold out in an auction to M/s City Engineers. It is submitted that in the chronology of these events these applicants have played no role in commission of the offence as alleged in the FIR lodged by the complainant, the Branch Manager of the Punjab National Bank. Apart from that the FIR mainly targeted against Vikas Jain and Ashish Jain. Applicant Gopi Chand Krishnani (in MCRC No.3519/2018) is in jail since 23-04-2018 and applicant Ashok Kharial (in MCRC No.3833/2018) is in jail since 14-05-2018 and no purpose would be served if these applicants are kept in detention till conclusion of the trial, hence, under these circumstances, it is prayed that they may be granted regular bail.

4. Learned counsel for the State/non-applicant opposes the applications submitting that both the applicants had been instrumental in commission of the offence committed as alleged in the FIR and the charge sheet filed against them. The purchaser of the flats namely Maina Prajapati and Sudha Singh have filed complaint against applicant Gopi Chand Krishnani making allegation of cheating and fraud committed by this applicant in the sale of said flats which

were earlier owned by them. Hence, no case is made out for grant of bail.

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

6. Facts of the case, in brief, are these that, flats No.101 to 104 were booked by the purchaser in the year 2010, for which loan was obtained from the Punjab National Bank through applicant Gopi Chand Krishnani (in MCRC No.3519/2018). In security of that loan the flats No.101 to 104 were mortgaged with the Punjab National Bank. In the development, later on, as the builders who borrowed from UCO bank for constructing building, failed to repay the loan, because of which the whole construction was sold out in an auction in the year 2016. The property that was secured for loan in favour of Punjab National Bank became Non Profitable Asset. For this reason, the FIR has been lodged by the Branch Manager of the Punjab National Bank on 19-10-2016, in which, the allegations are mainly against Vikas Jain and Ashish Jain.

7. Considered on the material present in the case diary and all the aspects of evidence that are proposed against these applicants. The role of the both the applicants in commission of crime has to be made out by the prosecution before the trial Court, but, for the present, I am of this view that these applicants should be granted regular bail during pendency of the trial against them.

8. Consequently, both these applications filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail are hereby allowed. It is directed that the applicants shall be released on bail on each of them 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 Court, for their appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge