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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 849 of 2018

1. Bharat Patel S/o Shri Ramkhilawan Patel, Aged About 42 Years, Director Prabhavi Biotech & Trading Company, R/o House No. 173, Aadhar Shila, Berkhedha, Pathani, Bhopal M. P., District : Bhopal, Madhya Pradesh
2. Vinay Shukla S/o Shri Ramshushil Shukla, Aged About 38 Years, Manager, Prabhavi Biotech & Trading Company, Aged About 38 Years, R/o House No. 143, Aadhar Shila, Berkhedha, Pathani, Bhopal M. P., District : Bhopal, Madhya Pradesh

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Aarang District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

----Non-applicant

MCRCA No. 852 of 2018

1. Bharat Patel S/o Shri Ramkhilawan Patel, Aged About 42 Years, Director - Prabhavi Biotech & Trading Company, Resident Of House No. 173, Aadhar Shila, Berkhedha, Pathani, Bhopal (Madhya Pradesh), District : Bhopal, Madhya Pradesh
2. Vinay Shukla S/o Shri Ramshushil Shukla, Aged About 38 Years, Manager, Prabhavi Biotech & Trading Company, Resident Of House No. 143, Aadhar Shila, Berkhedha, Pathani, Bhopal (Madhya Pradesh), District : Bhopal, Madhya Pradesh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, P.S. Aarang, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-applicant

MCRCA No. 853 of 2018

1. Bharat Patel S/o Shri Ramkhilawan Patel, Aged About 42 Years, Director Prabhavi Biotech & Trading Company, R/o House No. 173, Aadhar Shila, Berkhedha, Pathani, Bhopal M. P., District : Bhopal, Madhya Pradesh
2. Vinay Shukla S/o Shri Ramshushil Shukla, Aged About 38 Years, Manager Prabhavi Biotech & Trading Company, R/o House No. 143, Aadhar Shila, Berkhedha, Pathani, Bhopal M. P., District : Bhopal, Madhya Pradesh

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Aarang District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Non-applicant

MCRCA No. 854 of 2018

1. Bharat Patel S/o Shri Ramkhilawan Patel, Aged About 42 Years, Director Prabhavi Biotech & Trading Company, R/o House No. 173,

Aadhar Shila, Berkheda, Pathani, Bhopal M. P., District : Bhopal, Madhya Pradesh

2. Vinay Shukla S/o Shri Ramshushil Shukla, Aged About 38 Years, Manager, Prabhavi Biotech & Trading Company, R/o House No. 143, Aadhar Shila, Berkheda, Pathani, Bhopal M. P., District : Bhopal, Madhya Pradesh

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Aarang District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Non-applicant

MCRCA No. 858 of 2018

1. Bharat Patel S/o Shri Ramkhilawan Patel, Aged About 42 Years, Director - Prabhavi Biotech & Trading Company, R/o House No. 173, Aadhar Shila , Berkheda, Pathani, Bhopal (Mp), Chhattisgarh
2. Vinay Shukla S/o Shri Ramshushil Shukla, Aged About 38 Years, Manager, Prabhavi Biotech & Trading Company, R/o House No. 143, Aadhar Shila, Berkheda Pathani, Bhopal (MP)

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer , Police Station Aarang District Raipur Chhattisgarh.

---- Non-applicant

MCRCA No. 859 of 2018

1. Bharat Patel S/o Shri Ramkhilawan Patel, Aged About 42 Years, Director - Prabhavi Biotech & Trading Company, Resident Of House No. 173, Aadhar Shila, Berkheda, Pathani, Bhopal (Madhya Pradesh), District : Bhopal, Madhya Pradesh
2. Vinay Shukla, S/o Shri Ramshushil Shukla, Manager, Prabhavi Biotech & Trading Company, Resident Of House No 143, Aadhar Shila, Berkheda, Pathani, Bhopal (Madhya Pradesh).

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, P.S. Aarang, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-applicant

MCRCA No. 862 of 2018

1. Bharat Patel S/o Ramkhilawan Patel, Aged About 42 Years, Director Prabhavi Biotech & Trading Company, R/o House No. 173, Aadhar Shila, Berkheda, Pathani, Bhopal Madhya Pradesh., District : Bhopal, Madhya Pradesh
2. Vinay Shukla S/o Shri Ramshushil Shukla, Aged About 38 Years Manager, Prabhavi Biotech & Trading Company, R/o House No. 143, Aadhar Shila, Berkheda, Pathani, Bhopal Madhya Pradesh., District : Bhopal, Madhya Pradesh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, P. S. Aarang, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-applicant

MCRCA No. 864 of 2018

1. Bharat Patel S/o Shri Ramkhilawan Patel, Aged About 42 Years, Director- Prabhavi Biotech & Trading Company, R/o House No. 173, Aadhar Shila, Berkheda, Pathani, Bhopal, Madhya Pradesh., District : Bhopal, Madhya Pradesh
2. Vinay Shukla S/o Shri Ramshushil Shukla, Aged About 38 Years, Manager, Prabhavi Biotech & Trading Company, R/o House No. 143, Aadhar Shila, Berkheda, Pathani, Bhopal, Madhya Pradesh., District : Bhopal, Madhya Pradesh

---- Applicants

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station Aarang, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-applicant

For Applicants – Shri Siddarth Dubey, Advocate.

For Non-applicant/State – Shri Anupam Dubey, Deputy Govt. Advocate.

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

24-08-2018

1. All these eight applications are being decided by this common order as the applicants in these cases are same only the crime number in each case is different.
2. These applications have been filed by the applicants for grant of anticipatory bail as they are apprehending their arrest in connection with the crime number which are mentioned below for the offence under Section 420 of the IPC registered at P.S. Arang, District Raipur, C.G.:-

S.No.	M.Cr.C.A.No.	Crime Number
1.	M.Cr.C.A. No. 849 of 2018	147/2018
2.	M.Cr.C.A. No. 852 of 2018	145/2018
3.	M.Cr.C.A. No. 853 of 2018	144/2018
4.	M.Cr.C.A. No. 854 of 2018	148/2018
5.	M.Cr.C.A. No. 858 of 2018	146/2018
6.	M.Cr.C.A. No. 859 of 2018	142/2018
7.	M.Cr.C.A. No.862 of 2018	143/2018
8.	M.Cr.C.A. No. 864 of 2018	156/2018

3. It is submitted by learned counsel for the applicants that the applicants in all these cases have been falsely implicated in these cases. According to the facts of each case, all the cases are of civil nature. The allegation that is made that the applicants could not complete the work assigned to them through contract by the complainants is false, as the bank from which the loan was financed to the beneficiaries has itself granted completion certificate of work. It is further submitted that the complainants in all the cases have approached the State Consumer Commission and the concerned case has been decided in each case in favour of the applicants and it was found that no deficiency of service has taken place in all the cases on the part of the applicants, who happen to be the Director and Manager of Prabhavi Biotech Company. Hence, it is prayed that the applicants may be benefited with grant of anticipatory bail in all these cases.

4. Learned counsel for non-applicant/State opposes the applications submitting that according to the statement given by the complainants in all the cases, the applicants and co-accused person gave inducement to the innocent farmers and after obtaining all the amount of loan from bank have not completed the work, because of which, the complainants have suffered loss as the subsidy amount could not be released in their favour, Hence, no case is made out for grant of anticipatory bail to these applicants in any of the cases.

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

6. Complainant Pyare Lal Dhruv in Crime No. 147/2018, complainant Tulsi Ram Sahu in Crime No.145/2018, complainant Lalit Kumar Sahu in Crime No.144/2018, complainant Laxmi Narayan Sahu in Crime No.148/2018, complainant Sant Ram Sahu in Crime No.146/2018, complainant Tulsi Ram Sahu S/o Umend Ram Sahu in Crime No.142/2018, complainant Domar Singh Dhruv in Crime No.143/2018 and complainant Mohan Lal Dhruv in Crime No.156/2018 have made similar complaints that they were approached by the applicants making proposal to construct poly-house for the purposes of

cultivation and promising that the complainants shall get huge profit from cultivating in this manner. Subsequently, the applicants and the co-accused persons arranged for issuance of loan in favour of the complainants from the bank and the loan of Rs.30,00,000/- was sanctioned to each of the complainants which has been withdrawn completely by the company of the applicants. It is alleged by the complainants in all the cases that the construction was not completed by the applicants company, because of which none of the complainants could get the subsidy as promised. Hence, the FIR has been lodged in each case.

7. Considered on the entire material present in the case diary. The order of the State Consumer Commission appears to be in favour of the applicants and secondly the statement of one bank officer in these cases shows that the bank has proceeded by submitting papers for grant of subsidy to the complainants, but the complainants themselves have not cooperated and the subsidy could not be sanctioned by the horticulture department. Hence, after considering on all the material present in the case diary, I am of this view that these applicants should be benefited with grant of anticipatory bail.

8. Consequently, all these anticipatory bail applications are allowed. It is directed that in the event of arrest of these applicants in connection with the aforesaid offences, they shall be released on bail by the officer arresting them on each of them executing in each case a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. These applicants shall also abide by the following conditions :

- (i) that they shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the

Court or to any police officer;

(iii) that they shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) that they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil