

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1039 of 2017**

C. R. Navratna S/o Shri Deendayal Navratna Aged About 58 Years Occupation Service Chief Executive Officer, R/o Zila Antayavayasai Sahkari Vikas Samiti, Mahasamund, Police Station & Tahsil District Mahasamund Chhattisgarh. --- **Petitioner**

Versus

State of Chhattisgarh through Station House Officer, Police Station Sadar Thana, Ambikapur, District Surguja Chhattisgarh. --- **Respondent**

For the applicant : Mrs. Hamida Siddiqui, Advocate.
For the State : Mr. Sangharsh Pandey, Dy. Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****01.05.2018**

1. Apprehending arrest in connection with Crime No. 323/2014 registered at Police Station Sadar Thana, Ambikapur (C.G) for the offences punishable u/ss 418 & 409 of IPC, the applicant has filed this application u/s 438 of the Code of Criminal Procedure.
2. As per the prosecution case, while the applicant was performing his duties in the capacity of *Chief Executive Officer of Chhattisgarh State Antyavsiyi Sahkari Vitt and Vikash Nigam Maryadit, Raipur* granted loans on the basis of forged documents to the persons who were not eligible and the persons who were eligible were not sanctioned loans. It is alleged that while the loans were granted, the margin money was not obtained from the beneficiaries and the bribes were taken from the persons

to whom the loans were granted.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated because of one interse dispute with one S.K. Vijayvargiya as personal vendetta has been settled. Learned counsel referred to the documents and submits that the applicant was deprived of his promotion for which a complaint was made to the SC/ST Commission. She further submits that since the target was to be completed about the disbursement of loans as such the entire amounts were given and out of the loan amount, margin money was deposited. She relies on a decision reported in *2015 AIR SCC Weekly Page 4988* and would submit that the documents so required can be procured by the police and the statement of applicant was also recorded by the police as such the custodial interrogation is not required. It is further submitted that the applicant was not posted in Ambikapur and there is no possibility of influencing the witnesses. It is also submitted that the cheques were not issued with the signature of the applicant and all the cheques were been issued by the Collector, therefore, the applicant may be admitted to anticipatory bail.
4. Per contra, learned State Counsel opposes the prayer and submits that as per the inquiry report, it was found that the applicant on the basis of forged documents without following the procedure to grant loan has granted the loans in connivance with other officials and also obtained the amounts from the beneficiaries.

5. Perused the case diary documents as also the documents placed by the applicant. The documents contain the enquiry report wherein the precise statements of different persons were recorded. Some of the witnesses have stated that while obtaining the loan, the amount was also obtained by the present applicant.
6. Taking into the totality of the facts and circumstances of the case, I am of the opinion that it is not a fit case where the benefit of section 438 of Cr.P.C., can be extended. Accordingly, this application is dismissed.

Sd/-

**GOUTAM BHADURI
JUDGE**