

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 7221 of 2017

- Pokhan Patel S/o Late Shri Bheekham Singh, Aged About 45 Years R/o Village Parsuli, P.S. Dhamdha, Tehsil Dhamdha, District Durg, Chhattisgarh

----Applicant

Versus

- State Of Chhattisgarh Through Police Station Pulgaon, District Durg, Chhattisgarh.

---- Respondent

For the applicant : Shri Prasoon Agrawal,
Advocate.

For the Respondent/State : Shri Anupam Dubey, DGA.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

04.01.2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 149/2016, registered at Police Station – Pulgaon, District – Durg, (C.G), for the offences under Sections 420, 467, 468, 471, 120 B of the Indian Penal Code, 1860.
2. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case. Almost 12 persons have been made accused in this case, out of which

10 co-accused persons have been granted bail. Out of which 02 accused persons Yesu Ram Patel and Hemkaran Kumar Patel have been granted bail by the co-ordinate Bench of this Court and one of the accused Subha Jakkanwar has been granted anticipatory bail by the co-ordinate Bench of this Court. This applicant has also a similar case, therefore, on the basis of parity he is entitled for grant of bail. He is in jail since 18.03.2017 and charge-sheet has been filed. He is ready to abide by all the conditions which may be imposed upon him while granting bail, hence, it is prayed that the applicant may be enlarged on bail.

3. Learned counsel for the State opposes the bail application and submits that the applicant and one co-accused Fareed Khan are responsible for the offences committed. The farmers who approached these persons were provided with forged "Rin Pustika" showing inflated area of their land which has facilitated in obtaining loan from Dena Bank in an unlawful manner, hence, looking to the role played by the applicant he is not entitled for grant of bail.
4. Heard counsel for both the parties and perused the case diary.
5. Complainant – Dilip Mahajan branch manager of Dena Bank lodged FIR that about 10 farmers have obtained loan from the bank by submitting the forged "Rin Pustika". In the investigation it was found that the applicant was the person who facilitated in providing the forged "Rin Pustika" with the help of co-accused Toran Lal and Fareed Khan.
6. Considering the submissions made and contents of the case diary, as it is apparent that the beneficiary of all the transaction

on the basis of forged documents have been granted bail and one of the accused persons who has submitted search report in professional capacity in favour of the borrower has been granted anticipatory bail, hence, on the ground of parity the applicant deserves to be enlarged on bail.

7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd /-

(Rajendra Chandra Singh Samant)

Judge

Jamal