

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 1269 of 2019**

Anshul Bafna, S/o. Shantilal Bafna, Aged About 31 Years, R/o. Arihant Height, Pachpedi Naka, Raipur District Raipur Chhattisgarh.

---- **Applicant****Versus**

State Of Chhattisgarh, Through : The Station House Officer, Police Station Gudiari, Raipur District Raipur Chhattisgarh.

---- **Respondent**

For Applicant	: Mr. Rahim Ubawani, Advocate
For Respondent/State	: Mr. Ghanshyam Patel, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****27/08/2019**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.191/2017, registered at Police Station – Gudiari, District – Raipur (C.G.) for the offence punishable under Section 420, 467, 468, 471, 34 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 02.11.2018. No case is made out against the applicant according to the material present in the case diary. The applicant had approached one Ashish Shukla and Sumit Shukla to procure loan from Bank for purchase of the vehicles. Some papers were prepared by the applicant, which were received by Ashish and Sumit Shukla and despite assurance to procure loan, no loan was sanctioned in favour of the applicant from any bank. This applicant is not aware of any loan sanctioned in his name from the Bank of Baroda and neither he has

paid any installments of the same. Further the loan that was sanctioned by the bank of Baroda was paid to Shivam Motors directly through demand drafts. Hence, this applicant was not the beneficiary of the said loan in any manner. Papers submitted by him to Ashish Shukla and Sumit Shukla has been misused and in connivance with the bank officials, fake loans were sanctioned, the benefit of which has been drawn by some other persons and not by this applicant. One similar case was registered against the applicant in which he has been benefited with grant of bail by the Coordinate Bench of this Court in M.Cr.C. No.3075 of 2017 vide order dated 23.05.2017 and the Court has also observed that the case be investigated by CBI and this is similar case. Further the charge-sheet in this case has been filed after completion of investigation. Therefore, it is prayed that the applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that this applicant was the person, who applied for loan in Bank of Baroda and the two loans were sanctioned in favour of the applicant in the year 2013. The applicant stopped making repayment of installments in the year 2014. Thereafter, the Bank served with notice of recovery and found that the applicant was not residing in the address given, therefore, the FIR has been lodged. Therefore, no case is made out for grant of regular bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, two loan applications were filed by

this applicant before the Bank of Baroda. Loan of Rs.20.00 lakhs was sanctioned in favour of the applicant on 29.08.2013 and another loan of Rs.20.00 lakhs was sanctioned on 25.11.2013. When the applicant stopped repayment of installments, his whereabouts were not found and it was also found by the Bank that registration and other documents filed by the applicant regarding purchase of vehicle were forged, therefore, the FIR has been lodged.

6. Considered on the submissions made and the contents of the case diary. On perusal of the case diary it appears that there is evidence present regarding commission of offence, which shall be appreciated by the trial Court, but for the present as the applicant is in jail since about 8 months and the case is now pending for trial before the trial Court, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge