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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3348 of 2019**

Avinash Shukla @ Goldi S/o Aditya Shankar Shukla Aged About 30 Years
R/o Behind Mla Quarter Shubhash Ward Bhatapara, District Balodabazar -
Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Bhatapara Town, District
Balodabazar - Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara,
Chhattisgarh.

---- Respondent**And****M.Cr.C. No. 3565 Of 2019**

Deepak Yadav S/o Daulat Ram Yadav Aged About 26 Years R/o
Bokarmugha Basti- 1, Korbi, District Korba Chhattisgarh., District : Korba,
Chhattisgarh.

---- Applicant**Vs**

State Of Chhattisgarh Through Police Station Bhatapara (City), District
Baloda Bazar Chhattisgarh., District : Balodabazar-Bhathapara,
Chhattisgarh.

---- Respondent**And****M.Cr.C. No. 3821 of 2019**

Mukesh Patel S/o Shri Sonelal Patel Aged About 25 Years R/o Village Pasla
Police Station Anuppur, District Anuppur Madhya Pradesh., District :
Anuppur, Madhya Pradesh.

---- Applicant**Vs**

State Of Chhattisgarh Through The Police Station Bhatapara (City) District
Balodabazar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara,
Chhattisgarh.

---- Respondent**And****M.Cr.C. No. 4093 of 2019**

Sanjay Chouhan S/o Goutam Chouhan Aged About 22 Years R/o Village
Chatipali, Police Station Baramkela, District Raigarh Chhattisgarh., District :
Raigarh, Chhattisgarh.

---- Applicant**Vs**

State Of Chhattisgarh Through The Police Station Bhatapara (City) District
Balodabazar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara,
Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Ashok Soni, Ms. Seema Singh, and Shri B.M. Roy, Advocates and Shri Ritesh Giri, Advocate on behalf of Ms. Jyoti Rathore, Advocate.
For the Respondent/State	:	Shri Devendra Pratap Singh, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

ORDER

09.07.2019

Heard.

1. All these applications are being decided by this common order as they arise from the same incident. These are the first and second bail applications of the applicants filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.274 of 2018, registered at Police Station – Bhatapara Town, District – Baloda Bazar - Bhatapara, Chhattisgarh for the offence punishable under Sections 420, 467, 468, 471, 201 and 406/ 34 of the Indian Penal Code.

2. On behalf of applicant – Avinash Shukla @ Goldi in M.Cr.C. No. 3348 of 2019, it is submitted that there is totally no evidence against him. He has been implicated only for the reason that loan was standing in the name of his wife, for which he is not responsible. He is in jail since 28.4.2019. Hence, it is prayed that the applicant be released on bail.

On behalf of applicant – Deepak Yadav in M.Cr.C. No. 3565 of 2019, it is submitted that he is an employee of Spandana Sphoorty Financial Limited.

He has not committed any offence as alleged and there is no evidence present against this applicant. He is in jail since 25.4.2019. Hence, it is prayed that the applicant be released on bail.

On behalf of applicant – Mukesh Patel in M.Cr.C. No. 3821 of 2019, it is submitted that he was not posted in the concerned Branch of the Finance Company and his name has not been reflected in the statement given by the witnesses. He is in jail since 4.5.2019. Hence, it is prayed that the applicant be released on bail.

On behalf of applicant – Sanjay Chouhan in M.Cr.C. No. 4093 of 2019, it is submitted that his first bail application was dismissed as not pressed in M.Cr.C. No. 3901 of 2019 order dated 14.6.2019. This applicant had been the Field Officer of the Finance Company and his role was limited to the submission of field reports. There is no participation on his part in the alleged sanctioning of loans and receiving it on behalf of the beneficiaries. He has been implicated only on the basis of doubt. He is in jail since 27.4.2019. Hence, it is prayed that the applicant be released on bail.

3. On the other hand, learned counsel for the State opposes the bail applications and the arguments submitted in this respect.

4. Heard counsel for both the parties and perused the case diary.

5. The FIR was lodged by complainant – Satyapeer Bhoj on 30.9.2018 stating that he is the original Manager of Spandana Sphoorty Financial Limited, Bhatapara. It was discovered that previously posted Branch Manager Anshu Prasad alongwith other co-accused – Mukesh Patel, Sanjay

Chouhan and Gokul Prasad Kewat have sanctioned the loan from the Branch to 208 Members Women Group to the tune of Rs.46,38,537/- which was never received by the said beneficiaries and the same has been misappropriated.

6. Considering the facts and circumstances of this case and also considering the fact that the investigation has been completed, the charge-sheet has been filed, the trial of the case is likely to take some time for its final disposal and the appearance of the applicants in the trial can be ensured by imposing some suitable conditions, these applications are allowed.

7. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.

8. It is directed that the applicants in all the cases shall be released on bail on each of them 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 their appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge