

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4382 of 2019

1. Kishore Kurre S/o Shri Nahardas Kurre, Aged About 30 Years, R/o Village- Jhal, Police Station- Nawagarh, Tahsil- Nawagarh, District- Bemetara, Chhattisgarh. Mo. No. 8820174924, District : Bemetara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Bhatapara (Gramin), (Crime No. 209/2019), District- Balodabazar- Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Non-applicant

MCRC No. 4506 of 2019

1. Vijay Kumar Chelak S/o Dhaniram Chelak, Aged About 35 Years, R/o Village Kuruwa, P.S. Nandghat, District- Bemetara, Chhattisgarh., District : Bemetara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Bhatapara (Gramin), District- Balodabazar-Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Non-applicant

MCRC No. 4714 of 2019

1. Omkar Gahire S/o Tirath Gahire, Aged About 34 Years, R/o Village Mehna, Police Station Nandghat, District Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Bhatapara Gramin, District Baloda Bazar - Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Non-applicant

MCRCA No. 1169 of 2019

1. Pramod Kumar Bhalavi S/o Vijay Kumar Bhalavi, Aged About 39 Years, working as Branch Manager at Bank of Maharashtra, R/o Near High School, Barghat Raod, Kanhiwada, Seoni, Madhya Pradesh, District : Seoni, Madhya Pradesh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station- Bhatapara (Gramin), District- Balodabazar-Bhatapara, Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Non-applicant

For Applicant – Shri Vijay K. Deshmukh, Advocate (in MCRC No.4382 of 2019),
Shri Rajkumar Pali, Advocate (in MCRC No.4506 of 2019),
Shri Samir Singh, Advocate (in MCRC No.4714 of 2019),
Shri Vikas Dubey, Advocate (in MCRCA No.1169 of 2019)
For Non-applicant/State – Shri Devendra Pratap Singh, Deputy Advocate General.

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

14-08-2019

1. As these applications arise out of the same crime number, i.e. Crime No.209/2019, registered at Police Station Bhatapara Gramin, District Baloda Bazar-Bhatapara, Chhattisgarh for the offence under Section 420, 467, 468, 471, 34 of the IPC, they are being decided by this common order.
2. MCRC No.4382 of 2019, MCRC No. 4506 of 2019 and MCRC No. 4714 of 2019 have been filed by the applicants Kishore Kurre, Vijay Kumar Chelak and Omkar Gahire respectively for grant of regular bail under Section 439 of the Cr.P.C. Applicant Kishore Kurre has been arrested on 20-06-2019, applicant Vijay Kumar Chelak has been arrested on 13-06-2019 and applicant Omkar Gahire has been arrested on 16-06-2019 in connection with aforesaid crime number and offence.
3. Applicant Pramod Kumar Bhalavi has filed MCRCA No.1169 of 2019 as he is apprehending arrest in aforesaid crime number and offence.
4. It is submitted by learned counsel for applicant Kishore Kurre in MCRC No.4382 of 2019 that this applicant has been falsely implicated in this case. He is owner of a photocopy shop, he has obtained no loan and has not committed any offence as it is alleged. The investigation in the case is complete and this applicant is in jail since 20-06-2019. Therefore, it is prayed that he may be granted regular bail.
5. On behalf of applicant Vijay Kumar Chelak in MCRC No.4506 of 2019 it is submitted that this applicant has obtained loan against his property and he has completely repaid the same, regarding which the bank has also given him NOC, therefore, he has not committed any offence. He is in jail since 13-06-2019. Therefore, it is prayed that he may be granted regular bail.
6. On behalf of applicant Onkar Gahire in MCRC No.4714 of 2019 it is submitted that this applicant is simply a broker and he has no connection with

the crime committed. He is in jail since 16-06-2019 and charge sheet has been filed. Therefore, it is prayed that he may be granted regular bail.

7. On behalf of applicant Pramod Kumr Bhalavi in MCRCA No.1169 of 2019 it is submitted that he is Bank Manager and he has approved the sanction of loan in cases after completing all the formalities as it is required under Rules and Regulations. He has not participated in commission of the offence. Therefore, it is prayed that he may be benefited with grant of anticipatory bail.

8. Learned counsel for non-applicant/State opposes the applications and submits that applicant Kishore Kurre has stated on memorandum that he used to supply forged revenue documents by inflating the area of land showing in the revenue entries which were used for obtaining loan. The allegation against applicant Omkar Gahire is this, that he is broker and was involved in this conspiracy for inflating area of the land with the persons concerned. Applicant Vijay Kumar Chelak has used some forged document for obtaining loan and there is memorandum given by the co-accused against applicant Pramod Kumar Bhalavi that he used to facilitate the sanction of loan knowing that the application was supported with forged documents, as a result of conspiracy. Therefore, these applicants are not entitled for grant of regular or anticipatory bail.

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

10. According to the prosecution case, it is alleged that all these applicants have corroborated and conspired by preparing and making use of forged documents for obtaining KCC Loan from the bank regarding which the FIR has been lodged by Rambagas, Dhaniram and Narayan Singh. The case has been investigated and charge sheet has been filed.

11. Considering that the case is now pending for trial, therefore, all the applicants who are in jail, they are no longer required to remain in continued detention as the trial is likely to take some time, further, the evidence against

applicant Pramod Kumar Bhalavi is based only on the memorandum statement of co-accused persons. Hence, for these reasons, I feel inclined to allow all these applications.

12. Accordingly, MCRC No.4382 of 2019, MCRC No.4506 of 2019 and MCRC No. 4714 of 2019 filed by applicants Kishore Kurre, Vijay Kumar Chelak and Omkar Gahire for grant of regular bail are hereby allowed. It is directed that these applicants 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 Court, for their appearance as and when directed.

13. MCRC No.1169 of 2019 filed by applicant Pramod Kumar Bhalavi under Section 438 of the Cr.P.C. for grant of anticipatory bail is also allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :

- (i) that he shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that he 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 he shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

14. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge