

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5227 of 2019

Rajesh Sharma, S/o. Shri Ayodhya Prasad Sharma, Aged About 50 Years,
R/o. Plot No. 02, Hanuman Nagar, Police Station - Mohan Nagar, Durg,
District Durg Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : S.H.O., Police Station -Saja, District
Bemetara Chhattisgarh.

---- Respondent

For Applicant	: Mr. Vaibhav A. Goverdhan, Advocate
For Respondent/State	: Ms. Akanchha Jain, Dy.G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

20/09/2019

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.248/2017, registered at Police Station – Saja, District – Bemetara (C.G.) for the offence punishable under Section 420, 409, 467, 468, 471, 120-B 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 10.07.2017 i.e. almost 2 years and 2 months. Trial is going on and the list of the witnesses contains 157 witnessed, out of which only

65 witnesses have been examined so far. Therefore, there is all likelihood of delay in trial. The applicant has not committed any offence. He has simply approved the loan believing the statement of the co-accused persons that the beneficiaries were real. 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 has in connivance and collaboration with the co-accused persons has approved 129 KCC fake loans in the name of the farmers, whereas the actual farmers never obtained any loan thus has caused loss of Rs.1.40 Crores to the Bank, therefore, the application be rejected.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, this applicant in capacity of Branch Manager collaborated with co-accused Prakash Reddy and Bahal Singh Verma and has approved 129 cases of KCC loans in favour of the farmers, who were impersonated by somebody else.
6. Considered on the submissions made and the contents of the case diary. Considering the facts and circumstances of the case and taking into consideration this fact that the case is pending for almost more than two years and the trial is getting delayed, 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

Balram