

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No.101 of 2020

Manish Shrivastava S/o M. M. Shrivastava Aged About 50 Years Caste Kaystha, R/o Tethtwar Para, Ward No. 22, Dongargarh, Police Station - Dongargarh, District - Rajnandgaon Chhattisgarh ---- **Applicant**

Versus

State Of Chhattisgarh Through Police Station - Dongargarh, District - Rajnandgaon District - Rajnandgaon Chhattisgarh ---- **Respondent**

For Applicant	:	Mr. Rohit Shrama, Advocate.
For Respondent/State	:	Mr. Rahul Jha, Government Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

01/07/2020

Heard.

1. The applicant is apprehending his arrest in connection with Crime No.509/2019 registered at police station – Dongargarh, District Rajnandgaon (C.G.) for alleged commission of offence under Section 420, 467, 468, 471/34, 120-B of IPC.
2. Prosecution allegation is that the applicant though was not an agriculturist, got fabricated *rin pustika* prepared in his name, which was used for applying and getting loan under Kisan Credit Card Scheme by falsely showing himself as agriculturist. Later on, when loan was not repaid, enquiry was made and the Bank official upon search found that there were 23 such cases where such fraud was committed with the Bank to obtain loan by falsely representing as agriculturalist. Out of those 23 cases, in 3 cases including the present one, the applicant is involved.
3. Learned counsel for the applicant submits that the material facts collected by the prosecution do not connect the present applicant with the alleged offence because the applicant maintains that he never applied for loan

and one of his relation Ashish Shrivastava managed to get fabricated *rin pustika* prepared in the name of the present applicant. He would further submit that the allegations are otherwise improbable because under the established procedure for sanction of loan under Kisan Credit Card Scheme, the documents submitted by the applicant are thoroughly verified by the Bank official through various sources and only after proper search, report submitted by the Field Officer, legal consultant, loan is granted. He further submits that the applicant otherwise is not in a fit health condition and requires medical intervention because of neurological complication and on the ground of his medical condition, he may be granted bail.

4. On the other hand, learned counsel for the State opposes the prayer by submitting that the applicant had applied for loan by submitting forged documents showing land registered in his name which upon enquiry was found to be false and fabricated. He would submit that loan amount was transferred to the account of the present applicant.

5. Having considered the submission of learned counsel for the parties, particularly taking into consideration that the loan amount was transferred in the account of the present applicant and that upon enquiry made, it was found that the documents and revenue records with regard to the applicant possessed of 13.32 acres of agriculture land are forged and such fabricated document was prepared by the concerned Revenue Officer in the house of applicant's relative Ashish Shrivastava, present is not a fit case for grant of anticipatory bail. The anticipatory bail application is rejected.

Sd/-

(Manindra Mohan Shrivastava)

J U D G E

Rekha