

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1543 of 2020

- Surendra Kumar Borker S/o Late Bhaiyalal Borker Aged About 59 Years By Caste Mahar, R/o Shanker Nagar, Goura Chowk, Ward No. 11, District Durg Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Dongargarh, District Rajnandgaon Chhattisgarh.

---- Non-Applicant

MCRC No. 1544 of 2020

- Surendra Kumar Borker S/o Late Bhaiyalal Borker Aged About 59 Years By Caste Mahar, R/o Shanker Nagar, Goura Chowk, Ward No. 11, District Durg Chhattisgarh.

---- Applicant

Versus

- The State Of Chhattisgarh Through Police Station Dongargarh, District Rajnandgaon Chhattisgarh.

---- Non-Applicant

MCRC No. 1547 of 2020

- Surendra Kumar Borker S/o Late Bhaiyalal Borker Aged About 59 Years By Caste Mahar, R/o Shanker Nagar, Goura Chowk, Ward No. 11, District Durg Chhattisgarh.

---- Applicant

Versus

- The State Of Chhattisgarh Through Police Station Dongargarh, District Rajnandgaon Chhattisgarh.

---- Non-Applicant

MCRC No. 1548 of 2020

- Surendra Kumar Borker S/o Late Bhaiyalal Borker Aged About 59 Years By Caste Mahar, R/o Shanker Nagar, Goura Chowk, Ward No. 11, District Durg Chhattisgarh.

---- Applicant

Versus

- The State Of Chhattisgarh Through Police Station Dongargarh, District Rajnandgaon Chhattisgarh.

---- Non-Applicant

MCRC No. 1549 of 2020

- Surendra Kumar Borker S/o Late Bhaiyalal Borker Aged About 59 Years By Caste Mahar, R/o Shanker Nagar, Goura Chowk, Ward No. 11, District Durg Chhattisgarh

---- Applicant

Versus

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

---- Non-Applicant

MCRC No. 1551 of 2020

- Surendra Kumar Borker S/o Late Bhaiyalal Borker Aged About 59 Years By Caste Mahar, R/o Shanker Nagar, Goura Chowk, Ward No. 11, District Durg Chhattisgarh

---- Applicant

Versus

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

---- Non-Applicant

MCRC No. 1554 of 2020

- Surendra Kumar Borker S/o Late Bhaiyalal Borker, Aged About 59 Years By Caste Mahar, R/o Shanker Nagar, Goura Chowk, Ward No. 11, District - Durg Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Dongargarh, District Rajnandgaon Chhattisgarh.

---- Non-Applicant

MCRC No. 1558 of 2020

- Surendra Kumar Borker S/o Late Bhaiyalal Borker Aged About 59 Years By Caste Mahar, R/o Shanker Nagar, Goura Chowk, Ward No. 11, District Durg C.G.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Dongargarh, District Rajnandgaon, C.G.

---- Non-Applicant

MCRC No. 1569 of 2020

- Laddi @ Harpal Singh S/o Shri Sardar Gurucharan Singh, Aged About 53 Years R/o Budhwaripara, P.S. Dongargarh, District Rajnandgaon Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through P.S. Dongargarh, District Rajnandgaon Chhattisgarh

---- Non-Applicant

MCRC No. 1581 of 2020

- Raman Robinson S/o Late Shri Sukhdayal Ram Aged About 56 Years R/o Ward No. 3 Dongargarh, District Rajnandgaon Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through - Station House Officer, Police Station - Dongargarh, District Rajnandgaon Chhattisgarh.

---- Non-Applicant

MCRC No. 1582 of 2020

- Raman Robinson S/o Late Shri Sukhdayal Ram Aged About 56 Years R/o Ward No. 3, Dongargarh, District Rajnandgaon Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through - Station House Officer, Police Station - Dongargarh, District Rajnandgaon Chhattisgarh.

---- Non-Applicant

For Applicants : Shri Parag Kotecha, Shri Devershi Thakur and Shri Shobhit Koshta, Advocates.

For Non-Applicant : Shri Gagan Tiwari and Shri Vikram Sharma, Deputy Govt. Advocates.

Proceeding Through Video Conferencing

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

11/08/2020 :

1. The aforesaid MCrCs are being disposed of by this common order as they arise out of Crime Nos.523/2019, 526/2019, 505/2019,

525/2019, 521/2019, 508/2019, 515/2019, 507/2019, 517/2019, registered in Police Station Dongargarh, District Rajnandgaon for offence under Sections 420, 467, 468, 471 and 120-B/34 of the IPC.

2. Applicant Surendra Kumar Borker was the Branch Manager, applicant Raman Robinson was the cashier of the Punjab National Bank, Dongargarh branch, whereas applicant Laddi @ Harpal Singh in MCrC No.1569/2020 is the Broker. They are involved in processing and sanctioning of loan to different fake beneficiaries who availed credit facility under the Kisan Credit Card Scheme (for short 'KCC'). The amount of loan ranges up to 3 lakhs. In 16 loan cases, approximate amount involved is about Rs.56 lakhs.
3. Learned counsel for the applicants would submit that the offences are triable by the Judicial Magistrate First Class and they are in jail since last more than 6 months. They would fairly inform this Court that although in one case i.e. MCrC No.1703/2020, applicant Surendra Kumar Borker has been granted bail vide order dated 15.5.2020 in a different crime number, but the bail application of Raman Robinson has been rejected in two crime numbers and that of broker Laddi @ Harpal Singh has also been rejected in 12 crime numbers.
4. Learned State Counsel would vehemently oppose the prayer for grant of bail on submission that the applicants are involved in

granting loan to fake individuals which could be detected only during audit proceeding. According to them, scam worth Rs.56 lakhs has been committed by the applicants in relation to Government scheme. They would further submit that the bail application of co-accused having been rejected in some of the crime numbers and the bail application of the present applicants having been rejected in other crime numbers, the applicants are not entitled to be released on bail.

5. Having heard learned counsel for the parties at length and upon deeper consideration, I am inclined to release all the applicants on bail for the reason that the bail application in some other crime number has been rejected way back in February-March, 2020. Thereafter applicant Surendra Kumar Borker was allowed bail on 15.5.2020, but unfortunately or fortunately for the applicant, it was not brought to the notice of the coordinate Bench that the bail application of other co-accused persons as also of applicant Surendra Kumar Borker has been dismissed in different crime number. I am also inclined to release the applicants on bail for the reason that in March, 2020, when the bail applications of these applicants were rejected in other crime numbers, they had suffered incarceration for a period roughly about 3 months, whereas at present, they have already completed more than 6 months of incarceration. Moreover, at that point of time,

onslaught of Covid-19 Pandemic had not begun and normal functioning of the Court was going on. After first lockdown with effect from 25th March, 2020, normal functioning of the Court has been suspended. Therefore, the offences being triable by the Judicial Magistrate, 1st Class, this Court is inclined to release all the applicants on bail.

6. Accordingly, the applications are allowed and the applicants are directed to be released on bail on each of them executing a personal bond for a sum of Rs.50,000/- with one surety for the like amount to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given by the said Court.

Sd/-
Judge
(Prashant Kumar Mishra)

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