

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 526 of 2020**

- Ashwani Kumar Srivastava S/o Late Kanhaiya Lal Sirivastava Aged About 63 Years R/o House No. G09, Street No.05, Sriram Nagar, Phase-I, Shankar Nagar, Raipur, District- Raipur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Komakhan, District- Mahasamund, Chhattisgarh.

---- Respondent

For Applicant : Shri Shobhit Mishra, Advocate.

For Respondent/State : Smt. Hamida Siddiqui, Dy. A.G.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****01/07/2020**

1. The applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No.154/2019 registered at Police Station City Komakhan, District Mahasamund, (C.G.) for the offence punishable under Sections 406, 409, 419, 420, 465, 466, 467, 468, 471A, 120B/34 of IPC.
2. In the present case, there are five accused persons. According to the case of the prosecution, land bearing Khasra No. 208 & 206 belongs to complainant namely Gend Prasad Tiwari and his son. On 25.10.2018, he received a notice from the bank regarding KCC loan on which he came to know that in the year 2014, co-accused Jugnu

Prasad obtained KCC loan of Rs. 88,000/- on the land belongs to complainant and his son on the basis of forged *kishan book*. Allegedly, at the time of alleged incident, present applicant was the Branch Manager of the concerned bank and by making criminal conspiracy with the help of other co-accused persons, present applicant sanctioned the loan. The matter was reported by the complainant and on the basis of the said, offence has been registered.

3. Learned Counsel appearing for the applicant submits that applicant is innocent and has been falsely implicated in the present case. He further submits that at the relevant time, applicant was the Branch Manager of the concerned Bank. The loan was sanctioned in the year 2014 and the applicant retired from his service in the year 2017. It is further submitted that loan was sanctioned on the basis of the *Kishan Book* which was prepared by the Patwari. Applicant sanctioned the loan with bonafide intension, thus, *prima facie*, no case can be made out against applicant. Other co-accused persons have already been granted benefit of bail. Therefore, it is prayed that applicant may also be granted benefit of anticipatory bail.
4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard learned Counsel appearing for the parties.
6. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, particularly considering the fact that at the relevant time applicant was the Branch Manager and being in the capacity of Branch Manager, he

sanctioned the loan, other co-accused persons i.e. Patwari who prepared the forged *kishan book* and Jugnu who took the loan on the basis of said *kishan book* have already been granted bail, therefore, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicant.

7. Accordingly, the bail application is allowed.

8. It is directed that in the event of arrest of the applicant in connection with the aforesaid crime, he shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. He shall also abide by all the following terms and conditions :

- (i) 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 from disclosing such fact to the Court,
- (ii) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) He shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
Judge