

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.3892 of 2020

Balram Chawda S/o Late Heeralal Chawda Aged About 52 Years R/o Village
Parchanpal Police Out Post Bastar, District Bastar, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Police Of Police Station Karpawand,
District Bastar, Chhattisgarh **---- Respondent**

For Applicant	:	Mr. Pravin Kumar Tulsyan, Advocate
For Respondent/State	:	Mr. Ravish Verma, G.A.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

19/08/2020

Heard.

1. The applicant has been arrested in connection with Crime No.31 of 2019 registered at Police Station- Karpawand, District Bastar (CG) for the alleged commission of offence under Section 420 of IPC.
2. Prosecution case is that the agriculture loan was advanced for purchase and installation of drip irrigation system by the Bank in favour of various agriculturist and the amount was directly transferred to the applicant for installation of drip irrigation system. It is alleged that even though, the applicant was paid huge amount of Kisan loan released in favour of various agriculturist, amounting to Rs.14,90,000/-, the applicant kept on avoiding installation of drip irrigation system for years which led to filing of FIR on 29.05.2020.
3. Learned counsel for the applicant would argue that the allegation against the applicant is false and baseless. The loan amount was sanctioned in favour of agriculturist way back in the year 2016, which is only after the applicant installed drip irrigation in agriculture field of the agriculturist and report to this effect was submitted by the field officer of the bank that the loan amount was disbursed in favour of the applicant through demand draft. The agriculturist

kept on making payment of loan and after three years, now the allegation is being leveled against the applicant. He would further that the investigation is complete, charge-sheet has been filed and therefore, in these circumstances, the applicant may now be granted bail.

4. On the other hand, learned counsel for the State opposes the bail application and submits that the applicant cheated the bank as well as the agriculturist by obtaining huge payment of the loan amount released in favour of various agriculturist for installing drip irrigation system in their respective agriculture field but even after 3 years, those systems were not found installed. A report to this effect was submitted by the officer of Tahsildar. Thus, applicant cheated all.
5. Taking into consideration the submission that the present applicant relates to disbursal of loan and transfer of money in favour of the applicant in the year 2016 and the FIR has been lodged only after almost 3 years on 29.05.2019 and further that the agriculturist did not make any report within a reasonable time despite lapse of years regarding non installation of drip irrigation system and that the investigation is complete and charge-sheet has been filed, I am inclined to grant bail to the applicant.
6. Accordingly, the application is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court with following further conditions:
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge