

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUROrder reserved on 14-10-2020Order delivered on 28-10-2020MCRC No. 5708 of 2020

1. Abhilash Banerjee S/o Mahendranath Banerjee Aged About 38 Years R/o Bangalipara, Sarkanda, P.S. Sarkanda, District Bilaspur Chhattisgarh

---- Applicant

Versus

1. State Of Chhattisgarh Through the Station House Officer, Police Station Civil Lines, District Bilaspur Chhattisgarh

---- Respondent

For Applicant Mr. Vivek Sharma, Advocate

For Respondent /State Ms Fouzia Mirza, Addl. Adv. General

(Proceedings through Video Conferencing)

Hon'ble Mr. Justice Prashant Kumar Mishra

CAV Order

1. Heard.
2. The applicant has preferred this first bail application under Section 439 of CrPC, as he is arrested in connection with Crime No.369/2019, registered at Police Station Civil Lines, District Bilaspur (CG), for the offence punishable under Section 420 read with Section 34 of the Indian Penal Code.

3. Applicant along with co-accused Vishwajeet Bhaumik used the original properties papers of Vinita Pandey wife of the complainant namely; Prashant Pandey to obtain loan of Rs.50.00 lacs without the knowledge and consent of the complainant.
4. It is alleged that Prashant Pandey contacted the co-accused Vishwajeet Bhaumik for obtaining loan on which the complainant was directed to submit original property papers to be used as collaterals, however, instead of sanctioning the loan in favour of Vinita Pandey or her husband Prashant Pandey, the applicant and Vishwajeet Bhaumik got sanctioned the loan in the name of M/s Abhilash Engineers, partners Ruma Bhaumik wife of Vishwajeet Bhaumik and the present applicant.
5. Learned counsel appearing for the applicant would submit that it was Vishwajeet Bhaumik being the Officer of the concerned Bank has committed mischief and the applicant was not at all aware that the loan has been sanctioned in the name of his firm.
6. Learned counsel appearing for the State, *per contra*, would oppose the bail application. She would submit that there are at least eight cases against Vishwajeet Bhaumik where he had used the property papers of some other persons to obtain loan in the name of his wife or showing his wife to be a partner in the firm along with some other accused. Learned counsel would submit that the applicant having partnered with the wife of Bank Officer Vishwajeet Bhaumik was in the knowledge of entire transactions and the loan amount having

been transferred in the name of the firm of which the applicant is one of the partner, it is inconceivable that the applicant was not aware of the transactions.

7. Having heard learned counsel for the parties, it is found that the following crimes are registered against Vishwajeet Bhaumik and other accused persons wherein property papers of other individuals/complainants have been used to obtain hefty amount of loan defrauding the respective complainants and the bank as well. The total amount runs into crores of rupees.

S.No.	Crime No.	Police Station	Complainant	Name of Accused
1.	369/19	Civil Lines, Bilaspur	Prashant Pandey	Vishwajeet Bhaumik, Abhilash Banerjee
2.	240/19	City Kotwali, Bilaspur	Ashwini Thakur	Vishwajeet Bhaumik, Rajesh Sharma
3.	567/19	Sarkanda, Bilaspur	Suresh Yadav	Ruma Bhaumik, Vishwajeet Bhaumik, Rahul Sinha
4.	816/19	Sarkanda, Bilaspur	Pavitra Sikka	Ruma Bhaumik, Vishwajeet Bhaumik, Rahul Sinha
5.	182/19	Sirgitti, Bilaspur	Kishore Sahu	Ruma Bhaumik, Vishwajeet Bhaumik, Rajesh Sharma

6.	245/19	Tarbahar, Bilaspur	Arun Kumar Sahu	Ruma Bhaumik, Vishwajeet Bhaumik, Rajesh Sharma, Ravi Patnayak
7.	111/20	City Kotwali, Bilaspur	Rakesh Kumar Hathile	Vishwajeet Bhaumik, Arun Sahu, Rajesh Sharma
8.	238/19	City Kotwali, Bilaspur	Amit Baran Chakrovarty	Smt Ruma Bhaumik, Vishwajeet Bhaumik

8. In the present case, it is not in dispute that the applicant and one Ruma Bhaumik, wife of co-accused Vishwajeet Bhaumik are the partners of M/s Abhilash Engineers in whose name the loan has been sanctioned using the property papers of complainant for creating mortgage.
9. In one similar offence Rajesh Kumar Sharma has been allowed bail by this Court in M.Cr.C.No.5194 of 2019 [decided on 6-9-2019], however, the said accused was the Branch Manager of the Bank, who had sanctioned the loan whereas the allegation of obtaining loan by using the property papers of the complainant is against this accused, which was not against Rajesh Kumar Sharma, who is accused in Crime No. 182/19 registered at Police Station Sirgitti, District Bilaspur.

10. Considering the fact that it is not a case of one stray transaction, but series of transactions of similar nature have been done defrauding the complainants of different amounts, this Court is not inclined to grant bail to the applicant at this stage.
11. Accordingly, the bail application is rejected.

Sd/-

(Prashant Kumar Mishra)
Judge

Gowri