

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1826 of 2019

- Gokulram Poya S/o Late Amarsingh Poyam Aged About 58 Years R/o Bardebhata, District North Bastar Kanker, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Vishrampuri, District Kondagaon, Chhattisgarh.

---- Respondent

AND

MCRCA No. 1834 of 2019

- Ratiram S/o Mr. Somaruram Netam Aged About 50 Years R/o Bardebhata, District North Bastar Kanker, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Vishrampuri, District Kondagaon, Chhattisgarh.

---- Respondent

For Applicants : Shri Raza Ali, Advocate.

For Respondent/State : Shri Anand Verma, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

04/02/2020

Heard.

1. As both the above cases arise out of same crime number, therefore, they are being decided by this common order.
2. The applicants have preferred this first bail application filed under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 57/2019 registered at Police Station Vishrampur, District Kondagaon, (C.G.) for offence punishable under Section 420/34 of Indian Penal Code.
3. Facts of the case, in brief, is that complainant Ishwar Singh Markam owned 10 acres of land. Allegedly, co-accused Surjit Vaidh and Narayan Sarkar instead of installing drip system in 10 acres of land, has installed only on 5 acres of land and has taken the money of installation of drip system of entire 10 acres of land from the bank which was sanctioned as loan amount in the name of the complainant. It is alleged that present applicants have taken the loan amount which was sanctioned in the name of the complainant and used it for their personal purpose. At the relevant time, applicant Gokulram Poya (MCRCA No. 1826/2019) was posted as Manager of the Co-operative Bank and applicant Ratiram (MCRCA No. 1834/2019) was posted as Manager of Co-operative Society. It is further alleged that present applicants have helped the co-accused persons in commission of crime. On the basis of the said, offence has been registered.
4. Learned Counsel appearing for the applicants submits that the applicants are innocent and have been falsely implicated in the present case. He further submits that *prima facie*, no case is made out

against present applicants. The said loan was sanctioned and disbursed according to the documents executed by the complainant himself. He further submits that other co-accused persons have cheated the complainant and applicants have played no role in the alleged act. Looking to the above, it is prayed that applicants may be released on anticipatory bail.

5. Learned Counsel appearing for the State opposes the bail application.
6. I have heard learned Counsel appearing for the parties and perused the material available with due care.
7. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicants.
8. Accordingly, both anticipatory bail applications are allowed.
9. It is directed that in the event of arrest of the applicants in connection with the aforesaid crime, they shall be released on anticipatory bail on each of them 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. They shall also abide by all the following terms and conditions :

- (i) They 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/her from disclosing such fact to the

Court,

- (ii) They shall not act in any manner which may be prejudicial to fair and expeditious trial, and
- (iii) They shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
Judge

Prakash