

M.Cr.C. No. 58 of 2021 & M.Cr.C. No. 98 of 2021

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 58 of 2021

1. Chandrashekhar Diwan, Aged about 42 years, S/o- Late Gokulram Diwan, R/o- Shaheed Bhagat Chowk, P.S. Tikrapara, Raipur, District Raipur (C.G.)
2. Mukesh Mongraj, Aged about 35 years, S/o- Shri Damrudhar Mongraj, R/o- Kailashpuri, P.S. Purani Basti, Raipur, District Raipur (C.G.)

---- Applicants

Versus

- State of Chhattisgarh, Through – S.H.O., Police Station – Devendra Nagar, Raipur, District Raipur (C.G.)

---- State/Non-applicant

And

M.Cr.C. No. 98 of 2021

- Rajesh Pandey son of Jainarayan Pandey, aged about 35 years, R/o- Bada Ashok Nagar, Infront of Fancy Store, Gudiyari, Raipur, District Raipur (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through : Police Station – Devendra Nagar, Raipur, District Raipur (C.G.)

---- State/Non-applicant

For Applicants	:	Shri Pushkar Sinha, Advocate appears in M.Cr.C. No. 58/2021
For Applicant	:	Shri Pushpendra Kumar Patel, Advocate appears in M.Cr.C. No. 98/2021
For Non-Applicant/State	:	Shri Sameer Uraon, Government Advocate appears in both the applications
For Objector	:	Shri Devershi Thakur, Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

16.02.2021

1. As both the above first bail applications under Section 439 of Cr.P.C. preferred by the applicants arise out of the same Crime No. 91/2020 registered in Police Station- Devendra Nagar, Raipur, District Raipur (CG) for the offence punishable under Sections 419, 420, 467, 468, 471 & 120-B of IPC, they are being disposed of by this common order.
2. Case of the prosecution is that the employee of Equitas Small Finance Bank lodged a written report in Police Station Devendra Nagar that applicant

Chandrashekhar Diwan applied for the loan in the branch of Bank for purchasing land situated at Mauja Gaugaon bearing Khasra No. 434/4, 435/3 total area 2520 sq.ft. and in this regard sale-agreement was submitted. On the basis of said document, loan amount of Rs.40,00,000/- was sanctioned. On internal inquiry by the said bank, it was found that seller and purchaser by cheating and forgery of documents of B-1 and P-2 submitted sale agreement for 2520 sq.ft. of land in place of 1520 sq.ft. for obtaining more loan. Therefore, the F.I.R. was lodged against the all above applicants.

3. Learned counsel for the applicants submit that the loan amount was sanctioned by the complainant after verifying land and after taking search report from the panel counsel of the bank. They submit that as per sale-deed still 1520 sq.ft. of land is mortgaged with the bank. They also submit that the applicants have been falsely implicated in this crime, they are languishing in jail since 14.12.2020 & 07.11.2020, the charge-sheet has been filed and conclusion of the trial is likely to take some time. Therefore, the applicants be released on bail.
4. On the other hand, learned counsel for the State as well as learned counsel for the objector oppose the bail applications.
5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, looking to the dispute between the parties, offence is triable by Magistrate, First Class, the detention period of the applicants, the charge-sheet has already been filed and conclusion of the trial is likely to take some time, and that there is no apprehension of the applicants tampering with the evidence or absconding and also they have no criminal antecedents as admitted by both the counsel, without expressing any opinion on merits of the case, the applications are allowed.
6. It is directed that in the event of each of the applicants executing a personal

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bond for a sum of Rs.2,00,000/- with two sureties of Rs.1,00,000/- each to the satisfaction of the concerned trial Court, they shall be released on bail on the following 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 from disclosing such fact to the Court.
- ii. they shall not act in any manner which will 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.
- iv. they shall not involve themselves in any offence of similar nature in future or else this order granting bail to the applicants shall automatically stand cancelled without further reference to the Bench.

7. In the result, M.Cr.C. No. 58 of 2021 and M.Cr.C. No. 98 of 2021 are allowed on the above terms and conditions.

Sd/-
(Gautam Chourdiya)
Judge