

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 8459 of 2020**

- Ravishankar @ Ravi Patnaik S/o Late R.N. Patnaik Aged About 58 Years R/o B /11, Saket Apartment, Agrasen Chowk, P.S. Civil Lines, Bilaspur, District Bilaspur Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Tarbahar District Bilaspur Chhattisgarh

---- Respondent**MCRCA No. 139 of 2021**

- Rahul Kumar S/o Shri Murari Mohan Sinha Aged About 38 Years Occupation Senior Manager Bank Of Baroda, Branch S.S. Plaza Korba, R/o Gulab Nagar Mopka, Police Station Sarkanda, Tahsil And District Bilaspur Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Tarbahar, Tahsil And District Bilaspur Chhattisgarh

---- Respondent**MCRCA No. 144 of 2021**

- Rajesh Kumar Sharma S/o Late Baburam Sharma Aged About 60 Years R/o House No. 448, Phase-I, Behind Holy Nursery School, Rajkishore Nagar, Police Station Sarkanda, Tehsil And District Bilaspur Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through Police Station Tarbahar, Bilaspur District Bilaspur Chhattisgarh

---- Respondent

For respective
Applicants

Mr. Manoj Paranjpe, Mr. Ratnesh Kumar
Agrawal and Mr. Shashank Thakur,
Advocates

For Respondent /State

Mr. Arijit Tiwari, Panel Lawyer

SB.: Hon'ble Mr. Justice Prashant Kumar Mishra

Order On Board

24/2/2021

1. Heard.
2. Since all the three bail applications arise out of the same crime number, they are being disposed of by a common order.

MCRC No.8459 of 2020

3. This is as application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to applicant **Ravishankar @ Ravi Patnaik**, who has been arrested in connection with Crime No.245/2019 registered at Police Station Tarbahar, District Bilaspur (CG) for the offence punishable under Section 420/34 of the IPC.

MCRC Nos.139/2021 and 144/2021

4. These are the two applications filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to applicants **Rahul Kumar** and **Rajesh Kumar Sharma**, who are

apprehending their arrest in connection with Crime No.245/2019 registered at Police Station Tarbahar, District Bilaspur (CG) for the offence punishable under Section 420/34 of the IPC.

5. As per the prosecution case, complainant Arun Kumar has lodged a written complaint alleging that main accused Vishwajeet Bhowmik and Rupa Bhowmik have used his signatures and other credentials to create a company in the name of M/s. Zoom Instrumentation and M/s. Royal Fabritech and thereafter, obtained loan of Rs.35 lakhs (Approx.) from Punjab National Bank in the name of M/s. Zoom Instrumentation and of Rs.50 lakhs (Approx.) from Bank of Baroda in the name of M/s. Royal Fabritech. It is also alleged that Vishwajeet Bhowmik and Rupa Bhowmik created forged bank guarantees and encashed the same before different banks in the city of Kolkata. It is further alleged that these three applicants, who are the Branch Managers of Punjab National Bank and Bank of Baroda respectively, were instrumental in joining hands with Vishwajeet Bhowmik and Rupa Bhowmik to facilitate sanction and release of loan in a fraudulent manner.
6. Learned counsel for the applicants would submit that applicant Ravishankar @ Ravi Patnaik in MCRC No. 8459/2020 has already been released on regular bail by the trial Court in Crime No.182/2019, Police Station Sirgitti, Bilaspur. Similarly, applicant Rajesh Kumar Sharma in MCRC No.144/2021 has been released on regular bail in Crime No.182/2019, Police

Station Sirgitti, District Bilaspur vide order dated 6.9.2019 passed in MCRC No.5194/2019 and on anticipatory bail in Crime 240/2019, P.S. City Kotwali, District Bilaspur (CG) vide order dated 11.12.2019 passed in MCRC No.1573/2019 by this Court. Likewise, applicant Rahul Kumar in MCRC No.139/2021 has been released on anticipatory bail in Crime No.567/2019, Police Station Sarkanda, District Bilaspur vide order dated 5.9.2019 passed in MCRC No.1216/2019 and in Crime No.816/2019, Police Station Sarkanda, District Bilaspur (CG) vide order dated 3.1.2020 passed in MCRC No.1810/2019. Thus, learned counsel for the applicants would submit that in cases where similar allegations are made, the applicants have been released either on anticipatory bail or on regular bail, therefore, they are entitled to be released on bail in this particular crime number also.

7. Learned counsel for the State would oppose the prayer for grant of regular bail as well as anticipatory bail on submission that the applicants are habitual in sanctioning and releasing loan to different individuals though in all cases, it was Vishwajeet Bhowmik and Rupa Bhowmik, who played the vital role in moving before the Bank on behalf of the bank beneficiaries.
8. I have considered the rival submissions and perused the case diary.
9. The prosecution owes explanation as to why Rajesh Kumar

Sharma was not arrested in other crime numbers when he was arrested in Crime No.182/2019 registered at Police Station Sirgitti, District Bilaspur though all the crime numbers have been registered almost during the same period. Likewise, two other applicants have been released on regular bail in crime number(s) having similar allegations.

10. Applicant Ravishankar @ Ravi Patnaik is in jail since 10.10.2020, whereas, two other applicants namely Rahul Kumar and Rajesh Kumar Sharma have been released either on anticipatory bail or on regular bail in different crime numbers and sending them to jail again for some time may not be appropriate when the Police had an occasion to arrest Rajesh Kumar Sharma in all other crime numbers but have failed to do so. All the crimes have been registered in the Police Stations within Bilaspur City, but applicant Ravishankar @ Ravi Patnaik was not arrested in other crime numbers for the reasons best known to the Bilaspur Police.

11. Considering that all the applicants are the officers of the Punjab National Bank and Bank of Baroda respectively and have also been released in other crime numbers, I am inclined to release applicant Ravishankar @ Ravi Patnaik in MCRC No.8459/2020 on regular bail and extend benefit of Section 438 of Cr.P.C. to applicant Rahul Kumar in MCRC No.139/2021 and applicant Rajesh Kumar Sharma in MCRC No.144/2021.

12. Accordingly, all the three applications are **allowed**.

Applicant Ravishankar @ Ravi Patnaik is directed to be released on bail on his furnishing a personal bond for a sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

In the event of arrest of **applicants Rahul Kumar and Rajesh Kumar Sharma**, they shall be released on anticipatory bail on each of them furnishing a personal bond for a sum of Rs.50,000/- with one surety each in the like sum to the satisfaction of the Arresting Officer with the following conditions :-

- (i) they shall make themselves available for interrogation by a Police Officer as and when required;
- (ii) 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 for disclosing such facts to the Court or to any Police Officer.
- (iii) they shall not influence the witnesses during pendency of the trial.

Certified copy as per rules.

Sd/-

(Prashant Kumar Mishra)

Judge