

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 301 of 2021

- Girwar Prasad Nirala S/o Sahniram Nirala, Aged About 38 Years R/o Ward No. 13, Dabripura, Satnami Mohalla, Bailmudi Nagarda, District Baloda Bazaar Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate, District Janjgir-Champa (Chhattisgarh) ((P.S. Dabhra, District Janjgir-Champa (Chhattisgarh) Not Mentioned In The Cause Title Of Order Sheet)

---- Respondent

For Applicant	: Shri Amit Kumar, Advocate
For Respondent/State	: Shri BP Banjare, Dy GA

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board
(Proceeding through Video Conferencing)

26.07.2021

1. This is an application under Section 438 of CrPC for grant of anticipatory bail to the applicant as he apprehends his arrest in connection with Crime No. 42 of 2021 registered at Police Station Dabhra, District Janjgir-Champa, Chhattisgarh for commission of offenses punishable under Sections 409, 420, 467, 468 and 471 of IPC.
2. Case of the prosecution, in brief, is that, four persons of village Khairmuda, namely, Kunjal, Sukhram, Ramdayal and Kunjram filed written complaint addressing to Hon'ble Chief Minister that fraudulently, KCC (Kisan Credit Card) loan has been obtained in their name and based on the complaint, enquiry was conducted by Government Employee and in the enquiry, it revealed that huge KCC loan amount has been withdrawn from 'Seva Sahakari Samiti', by the applicant, and others where he is holding post of Manager. KCC Loan is sanctioned in the name of person who is not having

any agricultural land within the jurisdiction of Society. Thereafter, instant crime is registered against present applicant, who is Manager of Samiti and one Dankor Narayan Sahu.

3. Anticipatory bail application filed before the Court below was rejected by impugned order.

4. Shri Amit Kumar, learned counsel for the applicant would submit that after lodging complaint, Basant Kumar, Hemant Kumar, Jaglal Das, Shyambai, Krishna Kumar, Sunderlal, Ashok, Mohan, Uttam, Shoukilal, Laxman Prasad, and Keshav Prasad executed affidavits, stating therein that they do not want any action on the complaint. He also argued that amount obtained has been deposited by present applicant and co-accused. Other co-accused Dankor Narayan Sahu has already been enlarged on bail vide order dated 10.06.2021 in MCRCA-434 of 2021 hence applicant may also be enlarged on bail.

5. On the other hand, Shri BP Banjare, learned counsel for the State opposing the submissions of learned counsel for the applicant, submits that present applicant is holding post of Manager in Samiti. As per allegations, he fraudulently withdrawn KCC loan amount in name of complainants and others. He submits that after receiving the complaint, enquiry was conducted, and found that fraudulently loan amount has been withdrawn, in the name of persons, who is not holding any agriculture land in their name along with others. Total amount withdrawn fraudulently comes to more than Rs.35 lakhs. No document has been placed on record by the complainants to accept the submission of

learned counsel for the applicant, that complainants have executed any document of settlement, though it was directed on the last date of hearing to show that complainants have also executed the affidavit or deposit of money. He also pointed out that present applicant is an employee of Samiti (Manager) and there is allegation of Section 409 IPC also, hence, applicant is not entitled for anticipatory bail.

6. I have heard learned counsel for the parties.

7. Taking into consideration nature of allegation, that present applicant being Manager of Samiti, has allegedly committed offenses including offence under Section 409 IPC, there is no material to show that complainants admitted that they received loan amount and they do not want any proceeding against them, I do not find it a fit case to enlarge the applicant on anticipatory bail. Accordingly, application is dismissed.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE