

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1956 of 2021**

- Narayan Patel, S/o Shri Vidhyadhar Patel, aged about 27 Years, R/o Village- Berkel, Police Station- Pateva, District Mahasamund, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through SHO, Police Station-Devendra Nagar, Raipur, District- Raipur, Chhattisgarh.

----Non-applicant

For Applicant	Mr. Vaibhav A. Goverdhan, Advocate.
For State	Dr. (Ms.) Veena Nair, Deputy A.G.
For Objector	Mr. Devershi Thakur, Advocate.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

09/06/2021

1. The matter is heard through Video Conferencing.
2. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.91/2020 registered at Police Station Devendra Nagar, Raipur, District Raipur, C.G. for the offence punishable under Sections 120-B, 419, 420, 467, 468 & 471 of Indian Penal Code.
3. Case of the prosecution, in brief, is that employee of Equitas Small Finance Bank lodged a written report in police station Devendra Nagar that co-accused Chandrashekhar Diwan applied for a 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 applicant and other co-accused persons.

4. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that the applicant is in jail since 23.02.2021, charge sheet has already been filed, due to COVID 19-pandemic, conclusion of trial is likely to take some time and that co-accused persons namely- Chandrashekhar Diwan, Mukesh Mongraj, Rajesh Pandey in this case have already been granted regular bail by this Court vide order dated 16.02.2021 in MCRC No.58 of 2021 and MCRC No.98 of 2021 respectively and, therefore, the applicant be released on bail on the ground of parity.
5. On the other hand, learned counsel for the State as well as the Objector oppose the bail application.
6. Heard learned counsel for the parties.
7. Considering the facts and circumstances of the case, the detention period of the applicant, who is 27 years old, charge sheet has already been filed, offence is triable by Magistrate, First Class, the fact that the co-accused persons in this case have already been granted regular bail by this Court and there is no likelihood of the

applicant tampering with the evidence or absconding as admitted by counsel for the parties and conclusion of trial may take some time, without expressing any opinion on the merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of applicant executing a personal bond in the sum of Rs.2,00,000/- with two sureties of Rs.1,00,000/- each to the satisfaction of the concerned trial Court, he shall be released on bail on the following conditions:-

- (i) he 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) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
- (iv) he shall strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
- (v) he shall not involve himself in any offence of similar nature in future.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicant involving himself in similar offence in future.

Sd/-
Gautam Chourdiya
Judge