

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 771 of 2021**

T. Gopi S/o Late Shri T.B.S. Rao, Aged About 42 Years,
Resident of near Ganesh Mandir Shivanand Nagar,
Khamtarai, Police Station- Khamtarai, Raipur, District-
Raipur, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh Through the Station House Officer,
Police Station- Kotwali, Raipur District Raipur
Chhattisgarh.

---- Non-applicant

For Applicant : Shri S.R.J. Jaiswal, Advocate

For Non-applicant/State : Shri Vimlesh Bajpai, Govt. Advocate

(Proceedings through Video Conferencing)**Hon'ble Shri Justice Parth Prateem Sahu****Order on Board****09.08.2021**

1. The applicant has preferred this first bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail, as he is apprehending his arrest in connection with Crime No.150 of 2020, registered at Police Station Kotwali, Raipur, District Raipur C.G., for offence punishable under Sections 419, 420, 467, 468, 471, 120-B/34 of the Indian Penal Code.
2. Case of the prosecution in brief, is that, Smt. Mamta Sahu, Branch Manager of Punjab National Bank, Raipur lodged a written report stating therein that Ravi Rao Valdmanni has taken housing loan of Rs.24,38,000/- on 24.01.2018 based on the forged identity-proof and forged documents of sale deed, bank pass-book etc. The Khasra number of land has also been changed in the documents.

Based on written complaint, offence was initially registered against Ravi Rao Valdmani. During the course of investigation, based on the memorandum statement of Doshpati Shivdhar, Sunil Soni and Prabhakar Rao, applicant is also arrayed accused in this case.

3. Shri S.R.J. Jaiswal, learned counsel for the applicant would submit that except the memorandum statement of aforementioned three persons wherein name of present applicant has also been stated along with others, there is no material to connect the present applicant in the instant crime. He submits that charge-sheet after completion of investigation has been submitted by Investigating Agency. In the document collected by Police, there is no signature of present applicant, but for the memorandum statement that present applicant along with others went to D. Prabhakar Rao's shop at Tikarapara, Raipur. D. Prabhakar Rao prepared revenue documents on their say. It is contended that there is no direct involvement of present applicant in instant crime, hence, he may be enlarged on anticipatory bail.
4. Per contra, Shri Vimlesh Bajpai, Govt. Advocate representing the State opposing the submissions made by learned counsel for the applicant would submit that Ravi Rao Valdmani has obtained loan of Rs.24,38,000/- from the Punjab National Bank by submitting forged documents i.e. his employment in the Railway Department, revenue documents etc. and also by affixing the photographs of mother of Sunil Soni in place of Savitri Chandrakar. He further submits that offence registered against the present applicant is

grievous in nature. However, he submits that in all the documents seized by the Police which is part of charge-sheet and case diary, signature of present applicant is not there. He also submits that apart from memorandum statement of co-accused persons, there is no other material in the case diary to show the involvement of present applicant.

5. I have heard learned counsel for the parties.
6. Taking into consideration entire facts and circumstances of the case, nature of allegations, particularly the fact that in memorandum statement of Doshpati Shivdhar, Sunil Sahu and Prabhakar Rao, name of present applicant has emerged as he also visited along with others in shop, without commenting anything into the merits of the case, I am inclined to release the present applicant on anticipatory bail.
7. Accordingly, bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on anticipatory bail on his furnishing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one surety in the like sum to the satisfaction of the arresting officer and he shall be abide by the following conditions :-

(i) he shall make himself available for interrogation by a police officer as and when required;

(ii) 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 facts to the Court or to any police officer.

(iii) he shall not influence the witnesses during pendency of the trial.

Certified copy as per Rules.

Sd/-
(Parth Prateem Sahu)
Judge

Yogesh