

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5597 of 2021

- Shubham Pal Ratnakar, S/o Shri Prem Sai Ratnakar Aged About 25 Years R/o Village - Baluda, Police Station - Baluda, District - Janjgir Champa Chhattisgarh

---- **Applicant**

Versus

- State Of Chhattisgarh Through Thana Incharge, Police Station Kharsia, District - Raigarh Chhattisgarh

---- **Respondent**

For Applicant	: Dr Shailesh Ahuja, Advocate
For Respondent/State	: Ms M Asha, Panel Lawyer

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

26.10.2021

1. Applicant has preferred this application under Section 439 of CrPC for grant of regular bail as he was arrested in connection with Crime No. 447 of 2019 registered at Police Station- Kharsiya, District-Raigarh, Chhattisgarh for the offences punishable under Sections 467 and 420 of IPC.
2. Case of the prosecution, in brief, is that written report was lodged on 24.10.2020 making allegations that applicant while working with Bharat Financial Inclusion Limited as Field Officer, has collected details of 20 members and submitted application for grant of loan. He also deposited their Aadhar Card and bank account numbers, based upon which, complainant/Bank has sanctioned loan of Rs.5,44,780/- in their name. When applicant went on leave, some other employee of the Company went to collect instalment of loan amount and found that loan was sanctioned in name of fictitious person, as no person of name was present in given address in loan application. Based on written report, aforementioned crime was registered against applicant.

3. Dr Shailesh Ahuja, learned counsel for the applicant would submit that applicant has been falsely implicated in the case. Applicant is working as Field Officer. After sanction of loan amount, it is to be deposited directly in bank account of beneficiary. Amount was transferred and some instalments were also deposited. Allegation of committing forgery and cheating levelled against applicant is only when applicant left service of Company. Applicant is aged about 25 years and is in jail since 19.07.2021. After completion of investigation, charge-sheet has already been filed and case is triable by the Magistrate. There is no criminal antecedent against present applicant hence, he may be enlarged on bail.

4. Shri Vinod Tekam, learned State counsel opposing the submissions of learned counsel for the applicant, submits that applicant by submitting forged and fabricated documents, got sanctioned loan of Rs.5,44,780/-. He submits that in absence of applicant, other employee visited the village and address shown in loan application, it then revealed that loan was fraudulently got sanctioned in name of fictitious persons and applicant is not entitled for bail. However, upon putting specific query with regard to submission made of deposit of some installments against loan, he submits that it is appearing in statement of one Suresh Kumar that certain installments have been deposited in bank account. In support of his submissions, he read over statements recorded under Section 161 CrPC of Hari Shankar Chandra and Suresh Kumar.

5. I have heard learned counsel for the parties.

6. Taking into consideration nature of allegation levelled against present applicant, period of detention of applicant, charge-sheet is filed by the Police after investigation, offences are triable by the Magistrate, which may take some time, applicant is in jail since 19.07.2021, without commenting anything on merits of the case, I am inclined to enlarge the applicant on bail.

7. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on regular bail upon furnishing personal bond in the sum of Rs.25,000/- (Rupees twenty-five thousand) with one local surety in the like sum to the satisfaction of the concerned Court on the condition that:

1. Applicant shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
2. Applicant shall not in any manner, tamper with the prosecution witnesses.
3. If the applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE