

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5953 of 2021**

- Ashutosh Nayak S/o Shree Sambhudayal Nayak Aged About 28 Years R/o Quarter No. 07/30, Ispat Nagar Risali, Bhilai, District-Durg, Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station- Khamhardih Raipur, District- Raipur, Chhattisgarh.

---- Respondent

For Applicant	Mr. Shobhit Mishra, Advocate
For Respondent /State	Mr. Sudeep Agarwal, Dy. AG

Proceedings through Video Conferencing**SB.: Hon'ble Mr. Prashant Kumar Mishra, Ag. CJ****Order On Board****23/8/2021**

1. Heard.
2. This is the second application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant, who has been arrested in connection with Crime

No.54/2020 registered at Police Station Khamhardih, Raipur, District Raipur (CG) for the offence punishable under Sections 419, 420, 467, 468, 471, 120-B of the IPC.

3. The first bail application was dismissed as withdrawn vide order dated 31.8.2020 passed in MCRC No.4195 of 2020.
4. In a series of loan transactions sanctioned by the Indian Overseas Bank, Branch Samta Colony, Raipur, total amount of Rs.2,24,20,000/- has been sanctioned to its borrowers on the basis of forged sale deed/collaterals. The allegations against the present applicant is that he impersonated himself as Narendra Kumar Khatane and by producing forged documents, received an amount of Rs.1 lakh from the loan amount.
5. Learned counsel for the applicants submits that the documents were collected in the name of providing loan by co-accused D Sridhar and Sunil Soni and thereafter, he did not know what happened and he is also amongst those who are cheated.
6. Learned counsel for the State would oppose the bail application. He submits that the case of the applicant is similar to the case of co-accused Ramanayya Nadupuru, whose bail application has been rejected by this Court vide order dated 13.8.2020 passed in MCRC No.2953 of 2020.
7. Perusal of the case diary indicates that the accused persons have adopted same modus operandi in all the fraudulent loan transactions and have thus formed a gang to defraud the Bank.

The whole scam surfaced when the bank initiated recovery proceedings.

8. Considering the entire facts situation of the case and the fact that in exactly similar offence, co-accused has been denied bail, this Court is not inclined to release the applicant on bail.
9. Accordingly, the application is dismissed.

Sd/-

(Prashant Kumar Mishra)

Acting Chief Justice