NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5260 of 2020

P. Sushil Rao S/o P. Bhushan Rao Aged About 32 Years R/o Shivanand Nagar, Khamtarai, Raipur, District- Raipur, (C.G.)., District : Raigarh, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Of Police Station Civil Lines, Raipur, District- Raipur, (C.G.)., District : Raipur, Chhattisgarh

---- Respondent

MCRC No. 4800 of 2020

Imran Khan S/o Late Said Khan Aged About 34 Years R/o Near Kota Majjid, Majjid Road Thana - Swarswati Nagar District (Revenue And Civil) Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Petitioner

Versus

State Of Chhattisgarh Through Police Station - Azad Chowk, District (Revenue And Civil) - Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

MCRC No. 5545 of 2020

1. Ritesh Chakroborty S/o Late Shri Alok Chakroborty, Aged About 29 Years R/o House No. 3/ A. Teachers Colony, B Type, Dllirajrah, District Balod Chhattisgarh, District : Balod, Chhattisgarh
2. Samir Chatterjee, S/o Shri Kartik Chatterjee, Aged About 36 Years R/o 4/ F, Street 38, Sector 6, Bhilai Nagar, Civic Center, Bhilai, District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer P.S. Civil Lines, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

MCRC No. 5554 of 2020

1. Ritesh Chakroborty S/o Late Shri Alok Chakroborty Aged About 29 Years R/o House No. 3 / A. Teachers Colony, B Type, Dllirajrah, District Balod Chhattisgarh., District : Balod, Chhattisgarh
2. Samir Chatterjee, S/o Shri Kartik Chatterjee, Aged About 36 Years R/o 4 / F, Street 38, Sector 6, Bhilai Nagar, Civic Center, Bhilai, District - Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Applicants

Versus

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

---- Respondent

MCRC No. 6837 of 2020

Sunil Soni S/o Shri Basant Soni Aged About 39 Years Dhanlaxmi Nagar Bhanpuri, Thana Khamtarai, District- Raipur, Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer Police Station Civil Lines Raipur, District- Raipur, Chhattisgarh, District : Raipur, Chhattisgarh

---- Respondent

MCRC No. 6931 of 2020

Ramkaran Baghmare S/o Yudhshthir Baghmare Aged About 45 Years Resident Of W.R.S. Colony, P.S. Khamtarai, District Raipur, Chhattisgarh

----Applicant

Versus

State Of Chhattisgarh Through- Station House Office P.S. Khamhardih, District Raipur, Chhattisgarh

---- Respondent

MCRC No. 7040 of 2020

S. Anand Rao S/o Shri S. Narsing Rao Aged About 35 Years R/o Shivanand Nagar, Sector-3, Vinayak Garden Society, Ward No. 17, Dhakker Vapa Ward, Khamtrai, Raipur, District (Revenue And Civil)- Raipur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station-Khamardih Thana, District- Raipur, Chhattisgarh

---- Respondent

MCRC No. 7321 of 2020

Pranay Shakhare S/o Late Tulsidas Shakhare Aged About 35 Years Resident Of Quarter No. 106/6, Type 2, W.R.S. Colony , Police Station Khamtarai, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through It's Police Station Khamhardih, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

MCRC No. 7440 of 2020

D. Indu @ Dosapati Indu W/o D. Sridhar Aged About 35 Years R/o Flat No. C-401, Harshit Fortuna Near Hotel Singhania Portico Tatibandh, Police Station-Aamanaka, Raipur, Distt.- Raipur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through, Station House Officer, Police Station- Azad Chowk, Raipur, Distt.- Raipur, Chhattisgarh

---- Respondent

MCRC No. 9082 of 2020

Amit Das S/o Shri Adhir Das Aged About 30 Years R/o Murrabhatti, Gudhiyari, Raipur, Police Station Gudhiyari, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Through Police Station Civil Line, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

MCRCA No. 1452 of 2020

Anil Kumar Rajput S/o Shersingh Rajput Aged About 36 Years R/o W.R.S. Colony, Khamtarai, Distt.- Raipur (Chhattisgarh), District : Raipur, Chhattisgarh

---- Applicant

Versus

The State Of Chhattisgarh Through Police Station- Khamhardih, Distt.- Raipur (Chhattisgarh), District : Raipur, Chhattisgarh

---- Respondent

MCRCA No. 1493 of 2020

B. Suresh S/o Lt. Shri. B. Raja Rao Aged About 35 Years R/o W.R.S. Colony, Thasil/district - Raipur (Chhattisgarh), District : Raipur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through - Station House Officer Police Station - Khammardih, District - Raipur (Chhattisgarh), District : Raipur, Chhattisgarh

---- Respondent

For Respective Applicants	:	Shri Anil Gulati, Shri Devershi Thakur, Shri Sunil Sahu, Shri B.L.Sahu, Shri Yogesh Pandey, Shri Rekhraj Baghel, Shri Samir Singh, Shri Vinod Tekam, Shri T.K. Jha and Shri Shivendu Pandya, Advocates.
For State	:	Smt. Fouzia Mirza, Addl. A.G. with Shri Pawan Kesharwani, Panel Lawyer

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S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

12/02/2021

Heard.

1. Aforesaid bail applications involving three different crime numbers (147/20, 54/20 and 88/20) are being disposed off by this common order because many accused in all the bail applications are common and all cases involved fake loan

cases in the name of Railway employee by a racket involved in preparation of loan cases and transfer of loan amount in the account of fake persons in the conspiracy hatched by the racket of which the applicants in three different crime numbers are said to be involved.

2. Senior Manager, Indian Overseas Bank, Samta Colony Raipur, Branch Manager, Indian Overseas Bank, Shankar Nagar, Raipur and Branch Manager, Union Bank of India, Shankar Nagar, Raipur lodged report in the police station of their respective jurisdiction at Azad Chowk, Raipur, Khamhardih, Raipur and Civil Lines, Raipur, disclosing a pattern of commission of offence of preparation of fake loan cases. According to the prosecution, in all these cases, a racket of criminals operated adopting same *modus operandi* by submitting fake loan applications in the name of certain Railway employees who actually never applied for grant of loan, in the name of purchase of land or house. The intending purchaser in the loan cases had never agreed for any sale. Fake account of land owners were created. Loan amount sanctioned by the Bank was transferred in those fake accounts. Forged sale deed were prepared, whereas, no sale deed was registered in the office of the Registrar, Stamps & Registration. The accused are involved in the alleged commission of offence as impostors impersonating either as Railway employee or as sellers or as witness identifying impostors as also those in whose accounts loan amount was transferred.

As far as applicant -S. Anand Rao is concerned, it is stated that the sale deeds are not forged because the seller and intending purchasers are not fake persons but only sale deed is said to be forged to the extent that though it was not registered in the office of the Registrar, it was submitted in the Bank as registered sale deed for which the accused-applicant S. Anand Rao cannot be said to have committed any offence. One of the applicant Imran Khan has approached the Court by stating that it is not a case of submission of fake loan application because he himself was the loan applicant.

<u>In Crime No.147 of 2020</u> :-

3. Learned counsel appearing for the applicant **P. Sushil Rao** submits that against this applicant, only memorandum is brought as the material, whereas that memorandum has been recorded in Crime No.54 of 2020. In addition, a gold

chain is said to have been recovered, which does not involve him in the alleged commission of offence.

To this, learned counsel for the State replied that this applicant has been involved as one of the three main accused, involved in the conspiracy and against him, similar criminal cases of fake loan applications have also been registered under Crime No.54 of 2020, Crime No.88 of 2020, Crime No.159 of 2020 and Crime No.150 of 2020.

4. On behalf of applicants- **Ritesh Chakraborty** and **Samir Chatterjee,** it has been argued that the documents of the present applicants were collected by co-accused in the name of providing loan and they do not know what happened thereafter. They never went to the Bank and thus, they themselves are the persons who have been cheated.

   To this, learned counsel for the State replied by stating that applicant- Ritesh Chakroborty is involved as he impersonated as witness in the name of Akhilesh Gupta in a fake sale deed. It is further submitted that as far as applicant- Samir Chatterjee is concerned, he is involved on the allegation that he impersonated as one Amit Yadav being witness to a forged sale deed.

5. On behalf of applicant- **Sunil Soni**, it has been argued that though he is involved as one of the main kingpin accused and master mind, against him, the only material is a memorandum statement and seizure of Rs.5,000/- and except this, there is no other evidence. No amount has been found deposited in his account from the account of other persons or co-accused Ram Prasad.

   To this, learned State counsel replied that Sunil Soni is the main accused and kingpin of the entire conspiracy and head of the racket. It was on his memorandum that various fake applications details used for preparation of fake loan account cases, arranged by him by involving other accused, came to the light and it has led to discovery of incriminating facts regarding impersonation, forged sale deed etc. He was broker and it has been stated by the witnesses that he was engaged in getting loan cases arranged.

6. On behalf of applicant- **Amit Das**, it has been argued that he has been falsely implicated and false allegation of impersonation has been levelled against him.

Relying upon the order passed in the case of co-accused Ram Prasad Vishwakarma and Smt. Sonam Chakroborty, it is argued that on them also, there are similar allegation of impersonation and they have been granted bail by this Court, therefore, this applicant may also be granted bail.

To this, learned State counsel relied that this applicant is involved in impersonating one Padmakar Sahu to obtain loan. It is submitted that he is habitual offender and in another criminal case under Crime No.35 of 2020, similar allegation of impersonation has been levelled against this applicant.

In Crime Number 54 of 2020 :-

7. On behalf of applicants- **Ritesh Chakraborty** and **Samir Chatterjee,** it has been argued that their documents were collected only in the name of providing loan by one of the co-accused Sunil Soni and, thereafter, they did not know what happened and they also are amongst those who were cheated.

   In reply to this, learned counsel for the State submits that these applicants are also involved in Crime No.147 of 2020 on similar allegation, wherein applicant -Ritesh Chakraborty impersonated as Akhilesh Gupta as purchaser under a forged sale deed and Samir is involved as he impersonated Amit Yadav in a forged sale deed.

8. On behalf of applicant **-Ramkaran Baghmare**, it has been argued that this applicant was cheated by Sunil Soni in the name of providing loan and falsely involved in the case.

   In reply to this, it is submitted that in the forged document prepared by co-accused Sunil Soni showing Jitendra Wadhwani as seller, applicant Ramkaran is shown to have purchased the property from Jitendra Wadhwani and his own daughter's signature namely Anjali Baghmare is also affixed as witness knowing fully well that the sale deed is forged one as Jitendra never sold the property and there is no such sale deed registered in the office of Registrar.

9. On behalf of applicant- **S. Anand Rao,** it is argued that the allegation he being party to forged sale deed, prima facie, not made out because the sale deed shows Laxminarayan Bishwal and Smt. Laxmipriya Bishwal as purchaser and it is not a case that they have not executed sale deed and if Laxminarayan converted

the sale document in the registered sale deed even though it was never registered in the office of Registrar and submitted it in the bank, then for this, applicant- S. Anand Rao could not be blamed. He would further submit that other allegation of being witness in a forged sale deed is also not made out because there is no report of the Handwriting Expert that the forged sale deed contains his handwriting. He submits that on similar allegation, the other co-accused K.S. Mishra has been granted anticipatory bail.

To this, it is replied by the State counsel that sale deed presented in the Bank as registered was never registered and further that this applicant signed as witness in forged sale deed said to be between Sarswati Vishvakarma and Kalyani Baghel and such sale deed was never registered in the office of Registrar. Therefore, he is also party to the entire forgery.

10. On behalf of applicant – **Pranay Shakhare,** it is argued that his credential, documents, certificates were fraudulently collected by co -accused Sunil Soni and he never knew that those documents are being used for preparation of fake loan cases in order to siphon money from the bank as loan amount.

To this, it is replied that in the fake loan applications of a Railway employee, applicant -Pranay is alleged to have impersonated as Pawan Kumar Pandey. He also became witness in a forged sale deed between Sanjeev Kumar Soni, Pardeshi Mahanand.

11. On behalf of applicant- **Anil Kumar Rajput** who has applied for grant of anticipatory bail, it is argued that this applicant is being falsely implicated as one being party to forged document, whereas he does not now anything about the case and he prays for grant of bail seeking parity with co-caused K.S. Mishra who has been granted anticipatory bail in MCRCA No.831 of 2020.

To this, it has been replied by the State that this accused is involved in the alleged commission of offence because he is being acquainted to Sarita Sahu and documents of Sarita were collected fraudulently and handed over to co-accused Sunil Soni, D. Shridhar for preparing fake loan cases and fake forged sale deed. It is also submitted that, he is also involved in similar case under Crime No.88 of 2020 wherein he is alleged to have witnessed a forged sale deed of Santosh Dudhbhure.

12. As far as applicant- **B. Suresh** who has applied for anticipatory bail is concerned, it is alleged that there is no proof of his involvement in the alleged commission of offence. No Handwriting Expert report has been obtained by collecting specimen handwriting sample of this applicant who is Railway employee that he was involved with Sunil in the matter of submitting various fake loan applications and obtaining huge amount from the Bank in the name of loan account and getting it disbursed in various account.

    To this, it is replied by the State counsel that he is one of the main accused and he is involved as he signed as witness to forged sale deed of M.T.Naidu and Manohar Lal. Against him, there are serious allegation of being involved in the alleged commission of offence of forgery along with other co-accused and he needs to be arrested for further investigation.

    <u>In Crime Number 88 of 2020:-</u>

13. On behalf of applicant **D. Indu,** it has been argued that against her, the allegation is that her husband, who is involved in fake loan account cases, used to transfer money in her account. It is submitted that on this allegation, offence under Crime No.147 of 2020 was registered in which she has been granted bail vide order dated 26.8.2020 passed in MCRC No.2517 of 2020. In the present case, she has again been involved on the same allegation, though no other amount except that which is involved in Crime No.147 of 2020 is said to have been transferred to her account. It is only on the basis of memorandum statement of her husband who is also co-accused that she has been made accused in connection with Crime No.88 of 2020 also.

    To this, it is replied by learned State counsel that the allegation on the basis of which this applicant is involved is that the amount drawn from Bank as loan amount by other co-accused including her husband was, later on, transferred to the account of present applicant.

14. On behalf of applicant- **Imran Khan**, it is argued that no amount has even been transferred in his account and he is not involved in any manner. This applicant was also cheated because someone else has used his details to obtain loan.

    To this, it is replied by the State counsel that this applicant submitted an application for grant of loan in the Bank falsely stating that he would be purchasing land from one Smt. D. Ghato Mahanand, whereas that lady Smt. Ghato neither entered into agreement nor sold her land to applicant- Imran Khan. A forged account of Smt. Ghato was created and without there being any actual sale by Ghato in favour of Imran, huge amount was transferred in the fake account of Smt. Ghato which was, later on, withdrawn by the applicant- Imran Khan and in this manner, without there being any sale deed or purchase of any land by Imran Khan, Imran Khan succeeded in taking huge amount from the Bank.

15. Common argument has been raised by all the counsel for the applicants except those who have prayed for grant of anticipatory bail that in their cases, investigation is complete, charge sheet has been filed and the applicants are in jail since long. Further, in order to seek bail, reliance has been placed on the order dated 26.8.2020 granting bail to accused D. Indu @ Dosapati Indu and Krishna Shankar Mishra in MCRC No.2517 of 2020 & MCRC 2797 of 2020, order dated 25.8.2020 granting bail to co-accused Ram Prasad Vishwakarma in MCRC No.4977 of 2020, order dated 21.9.2020 passed in MCRC 5195 of 2020 granting bail to Smt. Sonam Chakroborty, order dated 6.10.2020 passed in MCRC No.5408, MCRC No.5418 and MCRC No.5523 of 2020 granting bail to co-accused Tota T. Ravi Kumar involved in three cases as also order dated 2.9.2020 passed in MCRCA No.831 of 2020 granting anticipatory bail to K.S. Mishra in connection with Crime No.54 of 2020.

16. Learned counsel for the State would submit that bail application of one of the co-accused Ramanayya Nadupuru has been rejected vide order dated 13.8.2020 passed in MCRC No.2953 of 2020 taking into consideration that in the matter of fake loan of Rs.26 lakhs, Ramanayya Nadupuru impersonated as purchaser Shiv Prakash. Anticipatory bail application of co-accused Shilpa Rajput and Santosh Kumar was dismissed as withdrawn on 17.8.2020 in MCRCA No.765 of 2020 and regular bail application of co-accused Ashutosh Nayak was dismissed as withdrawn on 31.8.2020 in MCRC No. 4195 of 2020.

17. After having considered the elaborate submissions made by learned counsel for the respective parties and perusal of the material contained in the case diary and charge sheet, on prima facie consideration, it appears that a racket is said to

have been involved in siphoning huge amount from the Bank by submitting fake loan applications in the name of certain Railway employees who actually never submitted any application. The loan cases were proceeded in the Bank on the basis that certain lands were going to be purchased, but the recorded owner of those lands actually never entered into any agreement with anybody. Fake bank account in the name of so called intending purchaser were opened. Forged sale deeds were prepared. The sanctioned loan amount towards purchase of land was transferred in the name of different accused. The applicants in the present cases have been involved in aforesaid criminal cases either as impostors in fake loan applications impersonating as Railway employee seeking loan for purchase of land or as impostors impersonating intending sellers or as witness to forged sale deed and even impersonating as witness in the name of some other person. It is also found that different cases under different crime number in different police stations have been registered, but in all the cases similar allegations are levelled and many of the accused in three cases are common in all the cases. In addition, it has also been alleged that apart from Crime No. 147/2020, 54/2020 and 88/2020, the other cases under Crime No.150 of 2020, 159 of 2020 have also been registered and as and when loan account cases are exposed, more cases are likely to be registered.

18. As far as applicant- D. Indu @ Dosapati Indu in MCRC No.7440 of 20 (Crime No.88 of 2020) is concerned, she is also one of the accused in Crime No.147 of 2020 and has been granted bail in connection with that case in MCRC No.2517 of 2020 taking into consideration the transfer of amount in her account and as far as her involvement in Crime No.88 of 2020 is concerned, the allegations are not new but based mainly on the allegation contained in Crime No.147 of 2020. Therefore, bail application of applicant- **D. Indu @ Dosapati Indu** in **MCRC No.7440 of 2020** in connection with **Crime No.88 of 2020** is allowed and it is directed that applicant **– D. Indu @ Dosapati Indu** shall be released on bail on her furnishing a personal bond in the sum of Rs.50,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court with following further conditions:-

(i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and

(ii) The applicant shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

19. The bail application of one of the co-accused Ramanayya Nadupuru involved in Crime No.88 of 2020 has been rejected vide order dated 13.8.2020 passed in MCRC No.2953 of 2020 taking into consideration that he is alleged to have impersonated Shiv Prakash in the sale deed and thus, he is involved in the loan transaction and similar *modus operandi* has been followed in other loan transactions, though subsequently, two other accused- Ram Prasad Vishwakarma and Smt. Sonam Chakroborty have been granted bail against whom also allegation are of impersonation.

20. Anticipatory bail granted to co-accused K.S. Mishra in MCRCA No.831 of 2020 in connection with Crime No.54 of 2020 is distinguishable because of the role alleged to have been played by him as compared to accused-applicant Anil Kumar Rajput (MCRCA No.1452 of 2020) and applicant-accused B.Suresh (MCRCA No.1493 of 2020). Cases of these applicants and role alleged does not make them stand on parity with K.S. Mishra.

21. Considering that bail application of Ramanayya Nadupuru was rejected earlier in point of time on the allegation that he is involved in impersonating others in the entire conspiracy of fake loan case, bail applications of all other accused are rejected taking into consideration the nature and gravity of allegation and that huge amount was siphoned from the Bank in the name of grant of loan in fake loan cases and that in Crime No.54 of 2020, Rs.2,24,20,000/-, in Crime No.88 of 2020, Rs.1,39,50,000/- and in crime No.147 of 2020, Rs.1,19,36,200/- is said to be involved in the fraud.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Praveen