

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1047 of 2021**

- Kashiram Baghel, S/o Late Chunnilal Baghel Aged About 52 Years R/o Village Joratarai, Post Office Jhalap, Tehsil And District Mahasamund, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Komakhan, District Mahasamund, Chhattisgarh

---- Respondent

For Applicant	: Shri Shubhank Tiwari, Advocate
For Respondent/State	: Shri Vaibhav Singh, PL

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

02.09.2021

1. This is an application under Section 438 of CrPC for grant of anticipatory bail to the applicant as he apprehends his arrest in connection with Crime No. 105 of 2021 registered at Police Station Komakhan, District Mahasamund, Chhattisgarh for commission of offenses punishable under Sections 419, 420, 406, 409, 465, 466, 467, 468, 471, 477A, 120B and 34 of IPC.
2. Case of the prosecution, in brief, is that, on 02.01.2021, complainant submitted a written complaint in concerned Police Station making allegations that in the year 2012-13, complainant shown his intent to sale his agriculture land to applicant, who was working as land broker. Applicant asked for Rinpustika (Kisan book) of agriculture property to be sold, which was handed over to him. When applicant could not able to sell the land owned by complainant in 2-3 years, he asked for return of his Rinpustika (Kisan Book) to which applicant stated that it is misplaced and new book is required to be prepared, which will cost Rs.15,000/-. Complainant paid Rs.15,000/- to applicant, even then Rinpustika was not returned by applicant. On 14.01.2021, when complainant was searching details of Rinpustika of his land

from Choice Centre, he came to know that his land was mortgaged with Canara bank. He gave written complaint which was investigated and thereafter, FIR was registered on 03.07.2021 against applicant, co-accused Kritpal Rana (Gada) and two bank officials, by name, Prashant Patel of Dena Bank and Ujwal Das of Canara Bank.

3. Applicant, apprehending his arrest, filed this anticipatory bail application after rejection of his application by the Court below.

4. Shri Shubhank Tiwari, learned counsel for the applicant submits that applicant is having no role to play in commission of crime as alleged. He submits that as per allegation and content of FIR, it is the co-accused Kritpal Rana (Gada), who upon affixing his photograph in Rinpustika of complainant, obtained KCC loan. There is no allegation against applicant that he himself obtained loan. He also submits that for the purpose of obtaining loan, apart from Rinpustika, several other documents are required to be produced and other formalities are to be completed. There is no allegation against applicant in participating in any of loan proceeding. There is no other criminal antecedent against applicant, hence he may be enlarged on anticipatory bail.

5. On the other hand, Shri Vaibhav Singh, learned counsel for the State opposing the submissions of learned counsel for the applicant, submits that as per complaint and allegations mentioned in FIR, applicant took Rinpustika from complainant in the year 2012, immediately thereafter, on 11.11.2013, property was mortgaged in Canara Bank and loan was obtained on that property. Property of complainant and Rinpustika were utilised for obtaining loan, Rs.1.5 lakhs

from Dena Bank and Rs.4 lakhs from Canara Bank. Applicant instead returning Rinpustika to complainant on his demand, has made false statement that Rinpustika was misplaced and further, obtained Rs.15,000/- for new Rinpustika. Even after obtaining Rs.15,000/- from complainant, Rinpustika was not returned to complainant. Role of applicant is basis of commission of crime and he was in possession of Rinpustika of complainant along with other co-accused persons for obtaining fraudulent loan from Bank in name of complainant. Offences are also registered against applicant and other co-accused persons under Section 120B of IPC also, hence appellant is not entitled for benefit under Section 438 of CrPC.

6. I have heard learned counsel for the parties.

7. Taking into consideration nature of allegations levelled against present applicant, fact that no justification has been placed before this Court for applicant with regard to status of Rinpustika and how it came in possession of Kritpal Rana (Gada), submission of learned counsel for the applicant that Rinpustika was handed over by complainant himself in the year 2012 for the purpose of sale of land and from it, fraudulently, loan was taken in name of complainant, and applicant has not returned Rinpustika even after demand of complainant, after 2-3 years, I do not find it a fit case to enlarge applicant on anticipatory bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE