

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No.1186 of 2015

Mukesh Kumar S/o Jay Mangal Singh Aged About 32 Years R/o Vaishali
Paryavaran Sanrakshan Samiti, Akash Ganga, Sabji Mandi, P.S. Supela, Bhilai
And District Durg Chhattisgarh.

---- Petitioner

Versus

State Of Chhattisgarh Through The Station House Officer, P.S. Bhilai Bhatti,
District Durg Chhattisgarh.

---- Respondent

For Petitioner	:	Shri Jitendra Gupta, Advocate
For Respondent/State	:	Ms. M. Asha, Panel lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

27/11/2015

Heard.

2. The applicant is apprehending his arrest in connection with Crime No.72/2015, registered in Police Station-Bhatti Bhilai, District Durg, for alleged commission of offence under Section 420, 467, 468 of the IPC.

3. Learned counsel for the applicant submitted that earlier the police registered offence under Section 420 of IPC only and the applicant had applied for grant of anticipatory bail, which was granted by this Court in his favour vide order dated 21-09-2015 in M.Cr.C.A.No.896 of 2015.

Later on, when the applicant came to know that the police has registered offence under Sections 420, 467 & 468 of IPC also in the same Crime Number and in respect of same transactions, on the basis of which, earlier offence was registered and bail was granted by this Court, this application has been moved. Learned counsel for the applicant submits that the offence under Section 467 & 468 of IPC was registered on the basis of statements, which are contrary to evidence of receipt of

money. He also submits that after grant of bail by this Court, there is no allegation against the applicant regarding misusing of liberty or not cooperating with the investigation, and therefore, the applicant may be protected by anticipatory bail.

5. On the other hand, learned State counsel opposed the prayer and submits that looking to the gravity of allegations and alleged act of forgery, the applicant is not entitled to bail.

6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that in respect of the same allegation, the applicant was earlier granted bail by this Court in the matter of allegation of commission of offence under Section 420 of IPC and later on, offence under Section 467 & 468 of IPC have also been added and there is no allegation of Investigating Agency that the applicant has either misused the liberty or not cooperating with the investigation or frustrating fair investigation, I am inclined to protect the applicant by anticipatory bail.

7. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence under Section 467, 468 of IPC, he shall be released on bail by the arresting officer on furnishing a personal bond for a sum of Rs.20,000/- with one local surety of the like amount to the satisfaction of the arresting officer with following further conditions that:

- (i) the applicant shall make himself available for interrogation by a police officer as and when required;
- (ii) the applicant 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.

Sd/-

Manindra Mohan Shrivastava

J U D G E

