

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 720 of 2015

Pradeep Kumar Chouhan S/o Ghanshyam Chouhan Aged About 24 Years R/o
Chakrabay, Chowki Maro, P.S. Nandghat, Distt. Bemetara Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Nandghat
(Chowki Maro), Distt. Bemetara Chhattisgarh

---- Respondent

For Applicant	:	Shri B.D. Guru, Advocate.
For Respondent/State	:	Shri Satish Gupta, Government Advocate.

Order On Board

15/09/2015

Heard.

1. The applicant is apprehending his arrest in connection with Crime No.259/2015 registered at police station – Nandghat (Chowki Maro) Bemetara for alleged commission of offence under Section 420 of IPC.
2. Prosecution case is that the applicant fraudulently and falsely claimed to be belonging to OBC whereas, he is a person of general caste.
3. Learned counsel for the applicant submits that the applicant is claiming as belonging to OBC caste of “gop” which is his bonafide assumption of status and not a fraudulent act. Since two generations, the applicant's family is being accorded status of Other Backward Caste. The bonafide assumption of status cannot be said to be a criminal act. He further submits that when the Election Tribunal set aside petitioner's election holding that he does not belong to OBC, the petitioner has filed writ petition before this Court, which has been entertained and interim order has been passed.
4. On the other hand, learned counsel for the State opposes prayer and submits that the act of the applicant in claiming himself to be OBC fully knowing that he is a person who

belongs to general category, prima facie makes out a case of fraudulent act only in order to get elected in a public office.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that the applicant is seriously contesting the matter and claiming to be OBC and his writ petition has been entertained and interim order has been passed by this Court, the application is allowed.

6. Accordingly, it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail on his furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the arresting officer and the applicant shall abide by all the following terms and conditions -

- (i) that the applicant shall make himself available for interrogation by a Police Officer as and when required;
- (ii) that he 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.
- (iii) that he shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-

Manindra Mohan Shrivastava

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