

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 225 of 2016

1. Sawansai @ Anand, S/o. Late Peela @ Bachansai, aged about 60 years, Caste-Gaanda, Gotra-Bhaariya (S.C.), R/o. At present – House No.M/436, Ompur Colony, Post and Police Chowki-Rajgamar, P.S. Balco-Nagar, Tehsil and District-Korba (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Chowki-Rajgamar, P.S. Balco Nagar, District - Korba (C.G.)

---- Respondent

For Applicant	: Mr. Pushkar Sinha, Advocate
For Respondent/State	: Mr. Anil S. Pandey, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09/03/2016

1. Apprehending arrest in connection with Crime No.359/2015 registered at Police Station- Balco-Nagar, District – Korba (C.G.), for offence punishable under Section 419, 420, 467 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, a complaint was lodged by Sawan Sai that the present applicant had obtained the job in his place 33 years back in SECL and thereby procured the job on the false documents.
3. Learned counsel for the applicant would submit that the proceeding was initiated after the complaint was filed by the complainant under Section 156(3) of Cr.P.C. after retirement of the applicant from the SECL because of the dispute interse, such false allegations have been made to arrest the benefit of retiral dues. He would further submit that in the Election Commission of India identity card, Aadhar Card, the name of the applicant is shown as Sawan Sai and

even in the departmental enquiry proceeded against the applicant by the SECL by the report of the complainant has been closed, therefore, the counsel submits that the applicant may be extended the benefit of anticipatory bail.

4. Per contra, the State counsel opposes the bail application.
5. Perused the case diary and the compliant. Also perused the documents i.e. Aadhar card and identity card of Election Commission of India, wherein the name Sawan Sai has been shown in which name the applicant has worked in the SECL. Further taking into the fact, the allegation that before 33 years, the applicant has obtained the job in the name of complainant. Considering the long delay in lodging the FIR and prima-facie documents i.e. Aadhar Card and identity card of Election Commission of India, this Court is inclined to extend the benefit of anticipatory bail to the applicant.
6. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :
 - (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that 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/her from disclosing such facts to the Court or to any police officer;

- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant 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/-
(Goutam Bhaduri)
Judge