

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 405 of 2016

Mohd. Taha Ansari S/o Late Mohd. Yaseen Aged About 62 Years
Occupation - President, Rajmohini Samaj Sevi Sanstha, R/o Aara,
Police Station & Tahsil Rajpur, District Balrampur Chhattisgarh Civil
& Revenue District Sarguja

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Incharge, Police
Station Sitapur, District Sarguja Chhattisgarh

---- Respondent

And

MCRC(A) No. 406 of 2016

Mohd. Latif Ahmed S/o Mohd. Taha, Aged About 35 Years
Occupation - Secretary, Rajmohini Samaj Sevi Sanstha, R/o Aara,
Police Station & Tahsil Rajpur, District Balrampur Chhattisgarh Civil
& Revenue District Sarguja

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Incharge, Police
Station Sitapur, District Sarguja Chhattisgarh

---- Respondent

For applicants – Shri Sandeep Shrivastava, Advocate.
For Respondent/State – Shri Gary Mukhopadhyay, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

13/05/2016

1. Both these anticipatory bail applications are decided by this common order as they are arising out of the same crime number.
2. These applications under Section 438 of Cr.P.C. has been filed by the applicants apprehending their arrest in connection with Crime No. 188/2015 registered at Police Station Sitapur, District Sarguja for offence punishable under Sections 420, 467, 468, 471 of IPC.
3. As per the prosecution case applicant Mohd. Taha Ansari was the President and the applicant Mohd. Latif Ahmed was the Secretary of

Rajmohini Samaj Sevi Sanstha and a report was made by the Chief Executive Officer, Janpad Panchayat, Sitapur that Rajmohini Samaj Sevi Sanstha was given certain cheques by the government i.e. of Rs.60,000/- on 28/10/2014 and of Rs.40,000/- on 10/11/2014 and in the cheque of Rs.40,000/- before figure Rs.40,000/-, 3 was added and thereby that was made to Rs.3,40,000/-. Thereafter, cheque was deposited and amount was withdrawn.

4. Learned counsel for the applicants submits that applicant Mohd. Taha Ansari in M.Cr.C.(A) No.405 of 2016 is an illiterate mason and no wrong was committed by him. He was working as a President and the transaction was being made by other employees. He further submits that applicant Mohd. Taha Ansari is aged about 62 years and considering the documents have already been seized, the applicants may be granted benefit of anticipatory bail.

5. Learned State counsel opposes the prayer for grant of bail.

6. I have perused the FIR which is made by the Chief Executive Officer wherein primary allegation of addition of 3 before figure 40,000/- to make it Rs.3,40,000/- has been attributed to the Secretary who is Mohd. Latif Ahmed applicant in M.Cr.C.(A) No.406 of 2016. Considering such primary allegation which is attributed to the Secretary who is Mohd. Latif Ahmed, I am not inclined to extend benefit of anticipatory bail to the applicant Mohd. Latif Ahmed in M.Cr.C.(A) No.406 of 2016.

7. Accordingly, **M.Cr.C.(A) No.406 of 2016** bail application of applicant **Mohd. Latif Ahmed** is dismissed.

8. With respect to the applicant Mohd. Taha Ansari in M.Cr.C.(A) No.405 of 2016 who is President of Rajmohini Samaj Sevi Sanstha is

stated to be of 62 years of age. FIR do not contain his name and the allegations have been attributed to Secretary, therefore I am inclined to extend benefit of anticipatory bail to the applicant **Mohd. Taha Ansari** in **M.Cr.C.(A) No.405 of 2016**.

9. Accordingly, **M.Cr.C.(A) No.405 of 2016** anticipatory bail application of applicant **Mohd. Taha Ansari** is allowed and it is directed that in the event of arrest of the applicant **Mohd. Taha Ansari** 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 local 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) 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

