

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A) No. 1346 of 2015

1. Kusum Kerketta, D/o. Late Shri Bhagwa Kerketta, aged about 36 years.
2. Kaitharin Kerketta, D/o. Late Shri Bhagwa Kerketta, aged about 42 years,
3. Domnik Kerketta, S/o. Late Shri Bhagwa Kerketta, aged about 46 years,

All are by Caste-Uraon, R/o. Village-Peethaama, Thana – Bagbahar, Tahsil- Patthalgaon, Civil and Revenue District – Jashpur (C.G.)

----Applicants

Versus

1. State of Chhattisgarh, through : Station House Officer, Police Out Post – Kotba, P.S. - Bagbahar, District – Jashpur (C.G.)

---- Respondent

For Applicants : Mr. Sunil Sahu, Advocate

For Respondent/State : Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02/02/2016

1. Apprehending arrest in connection with Crime No.10/2015 registered at Police Station- Out Post – Kotba, Police Station – Bagbahar, District – Jashpur (C.G.), for offence punishable under Section 420, 467, 468, 471/120-B, of the Indian Penal Code, the applicants have preferred this application for grant of anticipatory bail.
2. As per the prosecution case, a report was made that in the revenue records i.e. panchshala khasra and B-1 of the year 1947-48 in the cultivator column, name of Sanu was recorded and on the basis of that, the applicants obtained caste certificate and used it. Consequently, the report was made and an enquiry was made and the

offence was found to be committed.

3. Learned counsel for the applicants would submit that, the applicants have been falsely implicated in this case. He would further submit that the applicant No.1 Kusum Kerketta is aged about 36 years and applicant No.2 is 42 years of age and they have not used the certificate, however, in the enquiry by the Collector, it was found that Domnik Kerketa with the connivance of the revenue officer has entered the name of Sanu in the cultivator column in panchshala khasra and B-1 of year 1947-48. Therefore, the counsel prays that the applicants may be extended the benefit of anticipatory bail.
4. Per contra, the learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. The matter is still under investigation. Prima-facie the documents shows that an application was made for obtaining caste certificate. Taking into the nature of allegations levelled against the applicants and further taking into the fact that the matter is being under investigation and the role of the applicants are still to be ascertained. Therefore, considering the allegation and the documents and the case diary the provisions of Section 438 of Cr.P.C. can be extended as it can not be stated that custodial interrogation of the applicants may not be required. Therefore, I am not inclined to grant anticipatory bail to the applicants.
6. Accordingly, the anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge