

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.(A) No. 886 of 2016

Vijaykumar Barman S/o Dujeram, Aged About 38 Years Caste
Satnami R/o Parsada, P.S. Hasoud, Tah. Jaijaipur, Distt. Janjgir -
Champa (Chhattisgarh)

---- Applicant

Versus

State Of Chhattisgarh Through : District Magistrate District - Janjgir
Champa (Chhattisgarh)

---- Respondent

For applicant – Shri V.C. Ottalwar and Shri Akhtar Hussain, Advocate.
For Respondent/State – Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

7/10/2016

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 129/2015 registered at Police Station Hasoud, District-Janjgir-Champa (C.G.) for offence punishable under Sections 420, 467, 468/34 of IPC.

2. As per the prosecution case, the applicant was arrested in Crime No. 107/2015 for offence under Section 370 (3) and 34 of IPC on a report made by Aghan Bai. The applicant was arrested on 27/07/2015 and during his arrest in jail the memorandum was recorded wherein he stated that he had given some documents to one Sumit Kalara i.e. school certificate on the basis of which some passport and other documents were prepared by Sumit Kalare to go to Malasia. Subsequently, the said school certificate and other documents which were given by the applicant were found to be forged, therefore another case was registered against the applicant under Section 420, 467, 468/34 of IPC under Crime No.129/2015 on the report of the Police Inspector.

3. Learned counsel for the applicant submits that the applicant was arrested earlier in Crime No.107/2015 on 27/07/2015 wherein he was bailed out by the Supreme Court on 4/07/2016 and earlier applicant has been released, the applicant being apprehended for the other crime and the seizure has been made, the applicant was already in jail in earlier crime, therefore no further custodial interrogation may be required, therefore the applicant may be granted benefit of anticipatory bail.

4. Learned State counsel opposes the prayer for grant of anticipatory bail.

5. Perused the case diary and the documents. Perusal of the documents filed along with the bail application would show that applicant was arrested earlier in Crime No.107/2015 wherein he was arrested on 27/07/2015 and bailed out on 4/07/2016. Subsequently, he was arrested and on memorandum some documents were recovered which were found to be forged. Taking into totality, facts and circumstances it appears that no custodial interrogation may be required and the applicant was earlier in jail for considerable period, I am inclined to extend 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 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 today.

Sd/-

(Goutam Bhaduri)

JUDGE