

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 665 of 2016

- Anirudh @ Jokhan Ram S/o Chandrika Prasad Aged About 63 Years Caste - Rajwar, R/o - Village Datima, Police Chowki Karanji, P.S. Vishrampur, Tahsil & Surajpur Chhattisgarh --- **Petitioner**

Versus

1. State of Chhattisgarh through the District Magistrate, Surajpur Chhattisgarh
2. Jokhan Rajwade S/o Chandrika Prasad R/o Village Datima, Tahsil Surajpur, District Surajpur Chhattisgarh

---- **Respondent**

For the applicant	:	Mr. Keshav Prasad Gupta, Adv.
For the Respondent	:	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

05.08.2016

1. Apprehending arrest in connection with Complaint Case No.3870/2015 pending before the C.J.M., Surajpur, Distt. Surajpur (C.G) for the offences punishable under section 420 of IPC, the applicant has filed this application u/s 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. Despite service of notice, the complainant is not represented.
3. As per the prosecution case, one Jokhan Rajwade lodged a report that the present applicant Anirudh @ Jokhan Ram was employed in SECL in place of complainant as both are the real brothers and on the basis of false personification, the applicant is continuing his service thereby the offence is committed.

4. Learned counsel for the applicant referred to Annexure A-2 & A-3 and would submit that the voters ID would show that both the applicant and complainant are real brothers and the land dispute was going on between them and both are known as Jokhan, one is Jokhan Ram (present applicant) and the other is Jokhan Rajwade (complainant). Therefore, taking into advantage of that, the complainant has made this report which is completely *per-se* wrong. He further submits that the service was given to the applicant way back in the year 1976 and the report was made in 2013, therefore, the applicant has wrongly been inculpated.
5. Per contra, learned State Counsel opposes the prayer for grant of bail. No representation is made on behalf of the complainant.
6. Perused the documents. A perusal of the voters list would prima facie show that both the complainant and applicant were known in the name of Jokhan - one is Jokhan Ram and the other is Jokhan Rajwade. Considering the voters' list (Annexure 2) and the identity card which is placed as Annexure A-3 as also the fact that the applicant is in job since 1976 and more than 37 years have been passed and further considering the background of the case, I am inclined to admit the applicant to anticipatory bail.
7. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid criminal case, he shall be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the

satisfaction of the concerned trial Court. The applicant shall also abide by the following conditions :-

- (i) 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/her from disclosing such facts to the Court or any police officer;
- (ii) that he shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iii) 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.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE

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