

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 872 of 2016**

Rakesh Ahir S/o Late Ramesh Chandra Ahir, Aged About 37 Years,
R/o Infront Of Hotel Shree Vinayak, Telipara, Gole Bazar, Raipur,
Tahsil And District Raipur Chhattisgarh. Mo. No. 9685524016.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Purani Basti, Raipur,
District Raipur Chhattisgarh.

---- Respondent

For applicant – Shri T.K. Jha, Advocate.

For Respondent/State – Ms. Shobha Kashyap, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order****23/09/2016**

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 234/2016 registered at Police Station Purani Basti Raipur District-Raipur (C.G.) for offence punishable under Sections 420, 467, 468 of Indian Penal Code.

2. As per the prosecution case, one Shiv Kumar Verma wanted to obtain housing loan and in order to get the loan documents of the house alongwith other documents were given to one Chetan Joshi. Chetan Joshi in turn gave it to the present applicant, who deposited the same in the HDFC bank and the loan was sanctioned. Subsequently, it revealed that the said loan which was sanctioned the documents and the permission granted by the Municipal Corporation was forged.

3. Learned counsel for the applicant submits that only role played by the applicant that he carried the documents and deposited the same in the HDFC bank. He submits that the applicant had only worked as a messenger and he has not played any other role. Therefore, learned counsel submits that 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. Case diary also contains statement of Gokul Singh Chattri, Zone Commissioner of the Municipal Corporation, Dinesh Rathi and the statement referred to one Vijay Dewangan and Ashok Jala. Considering the facts and circumstances of the case and the allegations levelled against the applicant, 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 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.

Sd/-

(Goutam Bhaduri)

JUDGE

