

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6255 of 2016

- Anil Kumar Gupta S/o Late Shri Ram Narayan Gupta Aged About 51 Years Permanent R/o R.T.R. 2/10, Padamnabhpur, Durg, Tehsil & District- Durg, Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh through Station House Officer, Police Station- Supela, District - Durg, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Sachin Singh Rajput, Advocate
For the Respondent	:	Mr. Anil S. Pandey, Govt. Adv.

MCRC No. 6267 of 2016

- Komal Dewangan S/o Santosh Dewangan Aged About 19 Years R/o Village- Belaudi; Police Station- Pulgaon; Tahsil & District (Revenue & Civil)- Durg, Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh through Police Station- Supela; District (Revenue & Civil)- Durg, Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Sunil Tripathi, Advocate
For the Respondent	:	Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

06.10.2016

1. These are two bail applications filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No. 760/2016 registered at P.S. Supela, Distt. Durg (C.G) for the offence punishable under Sections 171, 420, 468, 471, 34 of IPC.
2. Since both these bail applications are relating to the same crime number, they are being decided together by this common order.

3. As per the prosecution case, a report was made by Constable Gulab Singh that while he was performing his duty, two persons namely Tikam Sinha and Dhanraj Bandhe came there with their seal and identify card of appointment of letter and wanted to take over the charge. On enquiry being made, they could not give satisfactory answer and it was stated that they have been sent by Shailendra Kumar Banjare, Assistant Sub-Inspector to join the duty. Subsequently the said appointment letter with seal and identity card were found to be forged. It is alleged that applicant Anil Kumar Gupta had prepared the seal of traffic police and applicant Komal Dewangan had prepared the identity card.
4. Learned counsel for applicant Anil Kumar Gupta would submit that the charge sheet in this case has been filed and it would be evident from the memorandum and enquiry that Anil Kumar Gupta runs a shop of making seals and one person in the police uniform came to his shop and asked him to prepare seal of traffic police and the mistake he has committed is that without verifying proper identity proof/credentials, he prepared the traffic seal for the said person believing that he is a police personnel, therefore, the appellant has not committed any offence and no mens-rea factor can be attached to such an act.
5. Similarly counsel for applicant Komal Dewangan would submit that in the like nature this applicant also has prepared the identity card as the person in police uniform came to his computer shop and asked to prepare the identity card and consequently he prepared the identity card in bonafide belief that the said person is police officer. It is further submitted that the applicants themselves have been deceived and

since all the evidence is collected no further investigation is necessary and considering the role played by the applicants, they may be enlarged on bail.

6. Per contra, learned State Counsel opposes the bail.
7. Perused the case diary documents and also the memorandum.
8. Considering the nature of allegations and the role played by the applicants as both they have their own shops respectively and having seen the persons who came to their shops in police uniform, one of the applicants prepared the seal in bonafide belief and similarly the other applicant also prepared the identity card as also taking into the further fact that the charge sheet in this case has been filed and no further investigation is necessary, I am inclined to release the applicants on bail.
9. Accordingly, the bail applications are allowed and the applicants are directed to be released on bail on each of them executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court. They shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE