

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4117 of 2017

Gopal Swami S/o Ashok Swami, Aged About 33 Years R/o C/o Uday Pratap Singh, Near Dr. Bhanupratap Singh Nursing Home, Katora Talab, Raipur, Tahsil & District Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Civil Lines, Raipur, District Raipur, Chhattisgarh.

---- Respondent

Smt. Fouzia Mirza, counsel for the applicant/s.
Shri Satish Gupta, Govt. Advocate for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

20/11/2017

Heard.

The applicant has been arrested in connection with Crime No.118/2017 registered at Police Station – Civil Lines, Raipur (CG) for alleged commission of offences under Section 420, 467, 468, 471, 120B of IPC.

2. Case of the prosecution is that the applicant while working as Clerk, had uploaded life certificate allegedly produced before the applicant by the co-accused – son of the deceased pensioner – Indrani Das. But later on, came to be found that Indrani Das was murdered long back by her own son in the year 2011 and on the basis of fabricated life certificate and forged signature of mother, he was withdrawing pension.

3. Learned counsel for the applicants submits that as far as present applicant is concerned, he, in bonafide exercise of his duties and functions, had uploaded the life certificate which was said to be issued by the institution of abroad i.e. the Ministry of External Affairs, Indian Councillate, New York. Therefore, even if any fraud has been committed, no fraud has been committed by the applicant as the

applicant, as an employee of the bank, himself has been cheated by the co-accused. He submits that charge sheet has already been filed and the applicant is not in a position to either tamper with the prosecution witness or the documentary evidence seized in connection with the case.

4. On the other hand, learned State counsel opposes bail application and submits that the looking to the manner in which co-accused withdrew huge amount in the name of pension from the pension account of his own mother, the applicant may not be granted bail because it was the applicant who had accepted life certificate.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the role alleged to be played by the applicant and that the applicant is in jail since 09/04/2017, investigation is complete, charge sheet has been filed and the applicant is not likely to abscond or tamper with the prosecution witnesses, I am inclined to grant bail to the applicant.

6. Accordingly, the application is allowed. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the Trial Court. He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge