

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C.(A) No. 38 of 2017**

Golu @ Karan S/o Jagjeet Singh, Aged About 22 Years R/o Village Bagnadi, Police Station Chichola, District Rajnandgaon, Chhattisgarh.

**---- Applicant****Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Chhuriya, Out Post Chichola, District Rajnandgaon, Chhattisgarh.

**---- Respondent**


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| For the Applicant        | : | Shri Abhishek Sharma, Advocate. |
| For the Respondent/State | : | Shri Anant Bajpai, P.L.         |

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****ORDER****15.12.2017**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 159 of 2016, registered at Police Station – Chhuriya, O.P. Chichola, District – Rajnandgaon, Chhattisgarh for the offence punishable under Sections 420, 467, 468, 471/34 and 201 of the Indian Penal code and Sections 3/181, 146/196 and 5/180 of the Motor Vehicles Act.
3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case only on the basis of the statement of one of the co-accused made under Section 27 of the Evidence Act that the forged

receipt was supplied by the applicant. Apart from that, there is no other evidence against him and the evidence that is relied upon by the police is not legally admissible. Hence, it is prayed that the applicant be entitled for grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the applicant had been absconding hence, the challan has been filed against the two co-accused persons after completion of investigation. As the accused has remained absconding, the applicant is not entitled for grant of anticipatory bail.

5. Heard counsel for both the parties and perused the case diary.

6. The case against the applicant is that co-accused Bhupender Singh, truck driver produced a receipt in R.T.O. Check-post, Chichola showing payment of fees for interstate permit. On verifying, it was found that the receipt was forged one and the co-accused had purchased it from another co-accused Harendra Deshmukh. Co-accused – Harendra Deshmukh was taken in custody and interrogated who was given notice under Section 91 of the Cr.P.C. that he got forged receipt from the present applicant.

7. Considering the submissions made and the contents of the case diary and also looking to the evidence that is proposed against the applicant for his prosecution, I am of the view that this is a fit case to release the applicant on anticipatory bail.

8. 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. He 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 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) that 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/-**

**(Rajendra Chandra Singh Samant)**  
Judge