

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 677 of 2017**

1. Ganesh Ram Dhimar, S/o. Late Pardeshiram Dhimar, Aged About 57 Years.
 2. Mahesh Dhimar, S/o. Late Videshiram Dhimar, Aged About 43 Years.
 3. Naresh Dhimar, S/o. Late Videshiram Dhimar, Aged About 40 Years,
- All are R/o. Ward No. 4, Dhimarpara, Dhamdha, Post Office & Police Station -Dhamdha, District -Durg (Chhattisgarh).

----Applicants**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Police Station -Dhamdha, District -Durg (Chhattisgarh).

---- Respondent

For Applicants	: Mr. Shivendu Panday, Advocate
For Respondent/State	: Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**17/11/2017**

1. Apprehending arrest in connection with Crime No.114/2017, registered at Police Station- Dhamdha, District – Durg (C.G.), for offence punishable under Section 420, 467, 468, 471/34 of the Indian Penal Code, the applicants have preferred this application for grant of anticipatory bail.
2. At the very outset, learned counsel for the applicants submits that the applicant No.3 – Naresh Dhimar has been arrested and seeks permission of this Court to withdraw the bail application in respect of the applicant No.3 – Naresh Dhimar.
3. Accordingly, the bail application in respect of the applicant No.3, Naresh Dhimar is dismissed as withdrawn.

4. It is submitted by the learned counsel for the applicants that applicants are innocent and have been falsely implicated in this case. The main allegation is against the co-accused Goutam Dhimar, who has already been arrested and committed to custody. The said proceedings of registration of death of complainant Rajbati @ Rajo Bai Dhimar, in the office of registration of birth and death has been done by the Goutam Dhimar, in which the applicants have not taken any part. It is only for the reasons that they have been named in the statement of the witnesses, because of which, they have been arrayed as accused in this case, hence prayed that they may be benefited with grant of bail.
5. Per contra learned State counsel opposes the application for grant of bail and the submission made in this respect. It is submitted that as per the statement recorded under Section 161 of Cr.P.C., the applicants had all the times assisted the main offenders in this case in the commission of offence of cheating, forgery etc., hence, the applicants are not entitled to be released on anticipatory bail.
6. I have heard the learned counsel for the parties and perused the case diary and the documents.
7. As per the case against the applicants, the co-accused Goutam Dhimar presented an application in the office of municipality – Dhamdha praying that he is grand-son of Rajbati Bai @ Rajo Bai Dhimar and his grand-mother has expired, on the basis of which, the proceeding for mutation were initiated. Later on Rajvati @ Rajo Bai Dhimar lodged one FIR, stating that she is alive and application has been submitted for mutation of records making false statement that she is dead on the basis of which, the case has been

registered against the main accused – Goutam Dhimar as well as the applicants.

8. Considering the submissions made by the parties and the contents of the case diary and further looking to the fact that documents referred and applications are part of the charge-sheet, which clearly shows that it was only Goutam Dhimar, who moved the application for correction of the records and there is only plain statement made by the complainant in this case against the applicant that applicants had not been a witness to the initiation of the proceedings made by the co-accused Goutam Dhimar, for this reason, this Court finds it to be a fit case, where the applicants should be extended the benefit of anticipatory bail .
9. Accordingly, the anticipatory bail application in respect of the applicant No.1 and 2 namely Ganesh Ram Dhimar and Mahesh Dhimar is allowed. It is directed that in the event of arrest of the applicants No.1 and 2 in connection with the aforesaid offence, they shall be released on bail by the officer arresting them 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 applicants No.1 and 2 shall also abide by the following conditions :
 - (i) that the applicants No.1 and 2 shall make themselves available for interrogation before the investigating officer as and when required;
 - (ii) that the applicants No.1 and 2 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 applicants No.1 and 2 shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants No.1 and 2 shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram