

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1108 of 2016**

- Ashutosh Shinde S/o R.P. Shinde Aged About 42 Years R/o House No. N G 7, Revenue Colony Korba, Tehsil / District Korba, Chhattisgarh.

---- **Petitioner****Versus**

- State of Chhattisgarh Through Chowki Rampur, Police Station Kotwali, Korba, District Korba, Chhattisgarh.

---- **Respondent**

 For Applicant : Dr. (Shri) N.K. Shuksla, Sr. Advocate
 with Shri H.S. Ahluwalia, Advocate

For Respondent/State : Shri Sangarsh Pandey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****16-02-2017**

1. Apprehending arrest in connection with Crime No. 477 of 2016 registered at Police Station Kotwali, Chowki Rampur, District Korba (CG) for offence punishable under Sections 420, 465, 466, 468, 471, 474 and 488-A of the IPC, the applicant has preferred the bail petition under Section 438 of the Cr.P.C., for grant of anticipatory bail.
2. As per case of the prosecution, in the year 2013-2014 applicant was working as Reader to the Chief Judicial Magistrate on the criminal side. It is alleged that in Criminal Case No. 305 of 2013 State Vs. Vinod Kumar @ Ashok and others, documents Ex.P/1 to P/8 were marked wherein instead of concerned Magistrate, the applicant placed his signature in the endorsement. Likewise, in Criminal Case No.1212 of 2011 State Vs. Indrajit Bajare and others, documents Ex.P. To P/8 and in Criminal Case No. 695 of 2009 State Vs. Lakhanlal, the documents Ex.P/1 to Ex.P/10, the

applicant placed his signature in the name of Chief Judicial Magistrate though it was not signed by the concerned Magistrate and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that in the aforesaid cases the judgments were passed by the Judicial Magistrate First Class and the Court has taken cognizance that the documents were correctly marked. However, instead of concerned Magistrate, the applicant placed his signature and no fraud has been committed which was part of the record. He would further submit that all the evidence are documentary in nature, no custodial interrogation is required and departmental enquiry has already been initiated. It is further submitted that the applicant is working as Reader in the Civil Court and till today he is discharging his duties and has not obstructed the investigation and there is no chance that he will abscond, therefore, under the facts and circumstances of the case, he may be extended the benefit of Section 438 of the Cr.P.C.
4. Learned State counsel opposes the prayer for grant of anticipatory bail.
5. I have heard learned counsel for the parties, perused the case diary and documents. It appears that the applicant is discharging his duties as Reader in the District Court, Korba.
6. Taking into nature of allegations as it appears that on the basis of documents, the judgments were passed taking cognizance of such documents and which have not been reported to be outcome fraud, the departmental enquiry has been initiated and further taking into fact that the applicant is still discharging his duties as Reader in the District Court and there is no likelihood that he will abscond and

further taking into law laid down in case of **Bhadresh Bipinbhai Sheth vs. State of Gujarat and another**, reported in (2016) 1 SCC 152, I am of the considered opinion, *prima facie* that it is a fit case where benefit of Section 438 of Cr.P.C., can be extended to the applicant.

7. 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 his executing a personal bond in the sum of Rs.25,000/- with one local 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju