

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No.75 of 2018

- Amirunnisha Shahban Ali Aged About 28 Years W/o Mohammad Irfan, R/o Badwar, Police Station Ramkola, Tehsil Pratappur District Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Bhatgaon District Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh

--- Respondent

Shri Lalit Jangde, counsel for applicant.

Shri S. Majid Ali, Dy.GA with Shri Manish Nigam, Panel Lawyer for State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

02/02/2018

Heard.

2. The applicant has preferred this application under Section 438 of Cr.P.C., apprehending her arrest in connection with Crime No.17/2017, registered at Police Station–Ramkola, District Surajpur for alleged commission of offence under Sections 420, 467, 468 and 471 of IPC.

3. This is a second bail application. First bail application was dismissed for want of prosecution on 04-01-2018.

4. Case of the prosecution is that the applicant procured employment by submitting false and forged documents of age.

5. Learned counsel for the applicant submits that the criminal case lodged against the present applicant is misuse of the process of law. He submits that though original date of birth of the applicant was recorded as 09-07-1991, the applicant thereafter, duly submitted an application before the school authority and upon due enquiry, it was corrected to 09-07-1989 and it is this date, which is claimed by the applicant in all the documents.

6. On the other hand, learned State counsel opposed the prayer for grant of bail by submitting that the manner, in which, the applicant got her date of birth changed in various records, would clearly show that for procuring employment, the applicant changed her date of birth, therefore, prima facie, case is made out against the applicant.

7. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the statement of the Principal of the School Mr. Farid Ansari, before whom, the applicant made an application for change of her date of birth, and thereafter, upon due enquiry, date of birth of the applicant was changed, the application is allowed.

8. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, she shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/ with one surety in the like sum to the satisfaction of the arresting officer, on the following conditions that:

(I) she shall make herself available for interrogation by a police officer as and when required;

(ii) she 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, *and*

(iii) she shall cooperate with the investigation as and when she is called.

SD/-
(Manindra Mohan Shrivastava)
Judge