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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 49 of 2018**

Abhay Singh S/o Prem Singh, Aged About 35 Years R/o Jail Colony
Government Quarters, Babupara, Ambikapur Surguja, District Surguja
Chhattisgarh, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station City Kotwali/
Shankargarh Ambikapur, District Surguja Chhattisgarh.

---- Respondent

And**M.Cr.C. No. 62 Of 2018**

Abhay Singh S/o Prem Singh, Aged About 35 Years R/o Jail Colony
Government Quarters, Babupara, Ambikapur Surguja, District Surguja
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station City Kotwali/
Shankargarh Ambikapur, District Surguja Chhattisgarh

---- Respondent

And**M.Cr.C. No. 79 of 2018**

Abhay Singh S/o Prem Singh, Aged About 35 Years R/o Jail Colony
Government Quarters, Babupara, Ambikapur Surguja, District Surguja
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station City Kotwali/
Shankargarh Ambikapur, District Surguja Chhattisgarh

---- Respondent

And**M.Cr.C. No. 333 of 2018**

Abhay Singh S/o Prem Singh, Aged About 35 Years R/o Jail Colony
Government Quarters, Babupara, Ambikapur Surguja, District Surguja
Chhattisgarh, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Police Station City Kotwali/
Shankargarh Ambikapur, District Surguja Chhattisgarh

---- Respondent

For the Applicant	:	Shri Satish Chandra Verma, Advocate.
For the Respondent/State	:	Shri Prafull N. Bharat, Additional Advocate General.
For the Objector	:	Shri Shakti Raj Sinha, Advocate in M.Cr.C. No. 79 of 2018.
For the Objector	:	Shri A.V. Sridhar, Advocate in M.Cr.C. No. 49 of 2018.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

ORDER

07.03.2018

1. Heard.
2. All these applications filed under Section 439 of the Code of Criminal Procedure, 1973 are being decided by this common order since they arise out of the offences registered only against this applicant. They are the first bail applications filed by the applicant for grant of regular bail to him, who has been arrested in connection with Crime No. 81 of 2016 registered at Police Station Shankargarh, District Balrampur, Chhattisgarh for the offences punishable under Sections 420, 419, 467, 468, 471/ 34 and 120-B of the Indian Penal Code; Crime No. 829 of 2016 registered at Police Station City Kotwali, Ambikapur, District Surguja, Chhattisgarh for the offences punishable under Sections 384, 502, 504 and 34 of the Indian Penal Code; Crime No. 837 of 2017 registered at Police Station City Kotwali, Ambikapur, District Surguja, Chhattisgarh for the offences punishable under Sections 120-B and 420/ 34 of the Indian Penal Code and Crime No. 88 of 2016 registered at Police Station Shankargarh, District Balrampur, Chhattisgarh for the offences punishable under Sections 420, 467, 468, 471 and 419 of the Indian Penal Code.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in all the cases for the reason that the applicant while engaged in secret operation against naxalites by the police department received information about the involvement of High Police Officials in corruption and when he passed this information to the high level officers of the police department, he was threatened with dire consequences. The applicant was compelled to move Writ Petition (C) No. 525 of 2013, before this Court in which by order of this Court he was provided with police protection. That petition was though dismissed vide order dated 12.12.2017 but it was observed in the order passed by this Court that the applicant had been provided with security. Hence, for these reasons alone, the police department has an axe to grind against this applicant because of which, false FIRs have been registered against him. No case is made out on the basis of the material present in the prosecution case registered against the applicant. Hence, it is prayed that the applicant may be granted regular bail in all the cases.

4. On the other hand, learned counsel for the State opposes the bail applications and the arguments submitted in this respect. It is submitted that the statements of the witnesses recorded in Crime No. 81 of 2016 clearly show the involvement of this applicant for the offences of fraud, cheating, impersonation, forgery and conspiracy. Hence, for these reasons, the applicant is not entitled for grant of regular bail in M.Cr.C. No. 49 of 2018. Similarly, there is sufficient material against this applicant in Crime Nos. 829 of 2016, 837 of 2016 and 88 of 2016 because of which, he is not entitled for grant of regular bail in M.Cr.C. Nos. 62 of 2018, 79 of 2018 and 333 of 2018.

5. Learned counsel for the Objectors adopting the arguments submitted by the State counsel submits, that Writ Petition (C) No.525 of 2013 was filed by this applicant has been dismissed by this Court and the ground taken that the cases are registered against him out of vengeance of the police department is of no consequence. Looking to the number of cases registered against this applicant, it is clear that he is habitual offender. Hence, for these reasons, the applicant is not entitled for grant of regular bail.

6. In reply, learned counsel for the applicant submits that the co-accused person, namely, Wasim Bari has been released on bail by this Court in M.Cr.C. No. 2173 of 2017 by order dated 24.11.2017 hence, the applicant, who is similarly placed may also be granted bail by this Court. He further submits that in a similar matter in Crime No. 837 of 2017 another co-accused present Anoj Vishwakarma has been granted bail by this Court in M.Cr.C. No. 1712 of 2017 by order dated 18.12.2017 and the applicant is also similarly placed. Hence, for these reasons, the applicant is entitled for grant of bail.

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

8. The story of the prosecution in Crime No. 81 of 2016 is that a land admeasuring 2.729 hectares was recorded in the name of Dharamdas, father of the complainant Vijay Bada. Dharamdas died on 19.1.2016 and the complainant approached the authorities for mutation in records and he was informed that the said land was recorded in the name of this applicant. After lodging of FIR, during investigation it was found that mutation in the record

had taken place on an earlier date showing that Dharamdas was dead and a woman named Parsadi was shown as her only successor and the applicant purchased the same land from Parsadi on 15.10.2015 for about Rs.2,94,000/-. In the investigation, it was found that this applicant was actively involved in getting the mutation done showing Dharamdas dead and thereafter, he got transferred the land in his favour, whereas, the said Parsadi was not a successor of the said Dharamdas.

9. The case of the prosecution in Crime No. 829 of 2016 is that FIR has been lodged by Brijesh Tiwari alleging that the applicant alongwith co-accused Wasim Bari approached the complainant and made a demand of Rs.50,000/- by way of extortion money, alleging that the complainant has earned lot of money and if he does not pay the amount then he will publish defamatory news in his newspaper. As the complainant did not fulfill the demand, the defamatory news was published in the fortnightly Newspaper Chhattisgarh Aaj Tak. On this basis, the FIR was registered against this applicant and the co-accused persons.

10. The story of the prosecution in Crime No. 837 of 2017 is that the applicant impersonated as additional S.P. C.I.D. alongwith co-accused persons and by putting the complainant in fear that he has committed an offence of cheating, he induced that he can settle the case against him. On the inducement given by him, the complainant paid him Rs.2,00,000/- and on coming to know about the fraud committed, the FIR was lodged against the co-accused persons.

11. The prosecution case in Crime No. 88 of 2016 against this applicant is that the applicant had by practicing fraud obtained a social status certificate showing him a member of Scheduled Tribe Gond, on 22.3.2006. Subsequent to that, after an enquiry the social status certificate of this applicant was cancelled on 3.9.2014. It is alleged that the applicant by intentionally concealing this fact that his caste certificate has been cancelled, by presenting himself as member of the Scheduled Tribe has made purchase of lands on 10.10.2015 because of which, the case was registered against him.

12. With respect to Crime No. 81 of 2016, it is submitted by counsel for the applicant that the applicant has filed Writ Petition (C) No. 2206 of 2014 in which an interim order has been passed in his favour, that no coercive steps shall be taken against him. Hence, for these reasons, the applicant is entitled for grant of bail in this matter.

13. Considering the material present in the case-diary in Crime Nos.81 of 2016, 829 of 2016, 837 of 2016 and 88 of 2016 at the present stage, it appears that *prima facie* case is made out against this applicant for prosecution and looking to this fact, that the applicant is involved in multiple crimes of fraud, cheating, conspiracy and extortion etc., hence, I am of this view that this applicant does not deserve to be enlarged on bail. The case of the co-accused persons who have been granted bail which has been referred to in this argument has no impact in the case of this applicant who fairly appears to be involved in the number of cases registered against him.

Hence, for these reasons, the applicant does not deserve to be enlarged on regular bail.

14. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge