

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 306 of 2018

- Girdhar Gopal Rathore S/o Shri Bahadur Rathore, Aged About 44 Years, Occupation Stamp Vendor, R/o Chitarpara, Janjgir P. S. Janjgir, District Janjgir Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through P. S. Janjgir, District Janjgir, Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

----Non-applicant

For Applicant – Shri Abhijit Sarkar, Advocate.

For Non-applicant/State – Shri Anupam Dubey, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

12-07-2018

1. Apprehending arrest in connection with Crime No.138/2017, registered at Police Station – Janjgir, District Janjgir-Champa, Chhattisgarh for offence punishable under Section 420, 467, 468, 471, 120(B), 34 of the IPC, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. As alleged this applicant has not made sale of the stamp in question to any of other co-accused person. Apart from that, this applicant is 90% disabled. Hence, it is prayed that the applicant may be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that the diary statement of the witness is against this applicant that stamp F 425963 was sold by this applicant in the year 2010, on which one agreement was recorded between the parties, whereas, the stamp was issued by the treasury on 22-02-2012, hence, a clear case is made out against this applicant. Therefore, the application may be rejected.
4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, a Mahadanama of year 2010 was

presented in a civil suit by other co-accused persons, the number shown on the stamp as aforesaid and the agreement was dated 21-09-2010, whereas, the treasury information shows issuance of the stamp on 22-02-2012. This applicant is stamp vendor and one of the witnesses has named him as the person who has sold this stamp.

6. It appears that this applicant has taken defence that he has not sold the said stamp and in the investigation made so far apart from the statement given by the witness, no such documentary proof has been collected like register etc. of the applicant to show that he was the seller of the said stamp. Hence, after due consideration, I am of this opinion that this is a fit case for grant of anticipatory bail to this applicant.

7. Accordingly, the anticipatory bail application is allowed. 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. The applicant shall also abide by the following conditions :

- (i) that the applicant shall cooperate in the investigation;
- (ii) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
- (iii) 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;
- (iv) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (v) 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.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Aadil