

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.A. No. 475 of 2018

- Tulsidas Markam S/o Shri Ramchandra Singh Aged About 38 Years
Present Address Rest House, Pathariya, District Mungeli Chhattisgarh,
District : Mungeli, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police
Station Ramkola, District Surajpur Chhattisgarh, District : Surajpur,
Chhattisgarh.

---- Non-applicant

For Applicant	:	Mr. Gautam Khetrapal, Advocate.
For the State	:	Mr. Anil S. Pandey, GA.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

02.05.2018

1. Heard.
2. Applicant has filed this bail application under Section 438 of the Cr.P.C.
apprehending her arrest in connection with Crime No.17/2017
Registered at Police Station- Ramkola, District- Surajpur, (C.G.), for
the offence punishable under Sections 420, 467, 468 and 471 of IPC.
3. Learned counsel for applicant submits that the applicant has been
falsely implicated in this case. He in capacity of Tahsildar/Revenue
Officer and has the authority according to the Provisions of Section 28
of Birth and Death Registration Act, 1969, to issued birth certificates.
That he has made correction in the date of birth, he has passed such
order on information given by patwari, this is totally an act done in the
official capacity, even if it is taken as the mistake, it shall amount to

misconduct, which can be dealt departmentally and no offence is made out against him, hence, it is prayed that he may be granted anticipatory bail.

4. On the other hand, learned State counsel opposes the bail application and submits that this applicant has without any authority, made the correction in the date of birth of co-accused -(Amirunnisha Shahban) which shows his mala fide intention and there is evidence that offence has been committed in this case, hence, he is not entitled for grant of anticipatory bail.
5. Heard both the parties and perused the case diary.
6. According to the FIR lodged in this case the co-accused -(Amirunnisha Shahban) manipulated her mark-sheet showing her earlier date of birth 09.07.1991 to 09.07.1989 and made use of the same for her appointment as Aganvadi karkarta in the year 2008. In the year 2016 the co-accused -(Amirunnisha Shahban) filed an application for issuance of the birth certificate before this applicant and this applicant called for the report from the Patwari and on the basis of such report he issued birth certificate of the co-accused -(Amirunnisha Shahban) showing date of birth as 09.07.1989. A written complaint was filed by one Aqeel Ahmad about the fraud and forgery committed in this case. Hence, this case.
7. Considered on the submissions made, contents of the case diary and taking into consideration this fact, that criminality on part of this applicant is yet to be determined in the investigation, therefore, I am of this view that the applicant should be extended the benefit of Section 438 of the Cr.P.C.
8. 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, she 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 trial Court. The applicant shall also abide by the following conditions :

- (i) that the applicant shall make herself 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) 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.

Sd /-

(Rajendra Chandra Singh Samant)
Judge