

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3050 of 2018

- Ramdin Bhagat S/o Late Shri Ganpat Ram Aged About 58 Years Occupation Service Caste Uraon, R/o Village Budhar, Police Station Patna, Tehsil Baikunthpur, Revenue, Civil District Koriya, Chhattisgarh Presently Residing At Bhattapara, P.S., Post Surajpur, Tahsil, District Surajpur, Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Ramkola, Revenue, Civil District Surajpur, Chhattisgarh, District : Surajpur, Chhattisgarh

---- Respondent

MCRCA No. 488 of 2018

- Laxmi Prasad Kanediya S/o Late Budhlal Aged About 48 Years R/o Village Khadgawan, Post Banja, Tahsil Bhaiyathan, District Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh

---- Applicant

Versus

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

---- Respondent

&

MCRCA No. 576 of 2018

- Mohd. Farid Ansari S/o Rahmat Ali Aged About 55 Years R/o Village Jur, Post Banja, Tahsil Bhaiyathan, District Surajpur, Chhattisgarh, District : Surajpur, Chhattisgarh

---- Applicant

Versus

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

---- Respondent

For Applicants : Mr. Goutam Khetrapal and Mr. Yogesh
Pandey, Advocates.
For Respondent/ State : Mr. Anil S. Pandey, Govt. Advocate.

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

11/05/2018

1. Since the above bail applications are similar in nature and arise out of the same chain of incidents, they are being heard and decided together by this common order.
2. Applicants Mohd. Farid Ansari & Laxmi Prasad Kanediya have filed M.Cr.C(A) Nos.576/2018 & 488/2018 seeking anticipatory bail as they apprehend their arrest in connection with Crime No.17/2017 registered at Police Station-Ramkola, District-Surajpur for the offence punishable under Sections 420, 467, 468 & 471 Indian Penal Code (for short 'IPC').
3. Applicant Ramdin Bhagat has filed M.Cr.C. No.3050/2018 seeking regular bail as he has been arrested in connection with Crime No.17/2017 registered at Police Station-Ramkola, District-Surajpur for the offence punishable under Sections 420, 467, 468, 471, 477(क) & 120-B of the Indian Penal Code (for short 'IPC').
4. Learned counsel for applicants submitted that applicants have been falsely implicated in this case. After completion of investigation, charge-sheet has been filed. No case is made out against them. Applicant Ramdin Bhagat is a Clerk in the office of District Education Officer and as per documents received, he had put up the file for correction of date of birth of one Amirunnisha and he has no role to play in fabrication of document. Regarding applicant Laxmi Prasad

Kanediya, the case is this that he in capacity of Secretary of Gram Panchayat had communicated the order passed by Tahsildar to the concerned school for making correction in the date of birth, hence, he has worked only as a messenger and has no criminal responsibility. It is submitted on behalf of applicant Mohd. Farid Ansari that, he was posted as Head Master in the concerned school and on receiving the order passed by Tahsildar, he has corrected the date of birth of co-accused Amirunnisha in the service records, hence, no criminality is attached with the action taken by these applicants, hence, it is prayed that they may be released on regular/anticipatory bail.

5. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that all the applicants are equally engaged in the commission of the alleged offences, hence, they are not entitled for grant of bail regular/anticipatory.
6. Heard both the parties and perused the case diary.
7. According to prosecution case, main accused Amirunnisha was appointed as Anganbadi Karyakarta in the year 2008. In her service record, her date of birth was mentioned as 9.7.1991. On the basis of some forged documents, she moved an application before the office of Tahsildar (co-accused Tulsidas Markam) for correction of her date of birth from 9.7.1991 to 9.7.1989. On the basis of order passed by the Tahsildar, a fresh birth certificate mentioning her date of birth as 9.7.1989 was issued in her favor and on that basis the correction has been carried out in her service record. As per allegations contained in the charge sheet, these applicants had played active role in commission of crime in question.
8. Considered on the material present in the case diary. Co-accused

persons namely Tulsidas Markam & Amirunnisha Shahbhan Ali have already been granted anticipatory bail by this Court as well as by the co-ordinate Bench of this Court. Other co-accused namely Sahbaan Ali and Panne Lal Singh have also been granted regular bail by the co-ordinate Bench of this Court. These applicants are also similarly placed. Hence, I am of this view that this is a fit case where the respective applications filed by the applicants are deserve to be allowed.

9. Accordingly, the anticipatory bail application filed on behalf of applicants Laxmi Prasad Kanediya and Mohd. Farid Ansair is allowed and it is directed that in the event of their arrest in connection with the aforesaid offences, they shall be released on bail by the officer arresting them on their executing a personal bond in the sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :-

- (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that the applicants 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 applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of

the trial.

10. Bail applications filed on behalf of applicant Ramdin Bhagat i.e. M.Cr.C. No.3050/18 is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha