

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 974 of 2018**

Shrinivas Paul, S/o. Shri Narayan Chandra Paul, aged about 40 years,
Caste- Kumahar, R/o. Village- Aadawal, Tahsil Jagdalpur, District – Bastar
(C.G.)

---Applicant**Versus**

State Of Chhattisgarh, Through : Police Station, City Kotwali, Jagdalpur,
District – Bastar (C.G.)

---- Respondent

For Applicant	: Mr. Vikash A. Shrivastava, Advocate
For Respondent/State	: Mr. Anupam Dubey, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****06/09/2018**

1. Apprehending arrest in connection with Crime No.243/2018, registered at Police Station – City Kotwali, Jagdalpur, District – Bastar (C.G.) for offence punishable under Section 415 & 420 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. The applicant has suffered an accidental injury because of which, he was granted certificate of disablement up to 60% by Dist. Medical Board and on that basis the applicant has obtained ration card. But the disability of the applicant improved by the passing of time because of which,

he has himself surrendered the ration card on 07.09.2017, which shows his bonafides. Subsequent to that FIR has been lodged on 10.07.2018, which is baseless and without any substance. Hence, it is prayed that the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. According to the FIR lodged in this case, it is alleged that this applicant has fraudulently obtained forged medical certificate of disablement and has made use of the same for obtaining ration card and thus cheated the State Government. Hence, this case.
6. Perusal of the documents attached with the application, it appears that earlier the applicant was issued certificate of permanent disablement by the Medical Board at Jagdalpur itself. His disablement has improved subsequently. Hence after due consideration on all the material present in the application and the case diary, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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 make himself 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram