

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 512 of 2017

Bundram Patle S/o Shri Banafar Patle, Aged About 45 Years R/o A 12, Kanchan Vihar Seepat Road, District Bilaspur, Chhattisgarh., Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Station District Magistrate Raipur, Chhattisgarh., Chhattisgarh

---- Respondent

For Applicant	:	Shri Sunil Otvani, Advocate
For Respondent/State	:	Shri Satish Gupta, Govt. Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

23/02/2018

Heard.

1. This application under Section 438 of Cr.P.C. has been preferred by the applicant apprehending his arrest in connection with Crime No.45/2017, registered in Police Station -Rakhi, District- Raipur, for alleged commission of offence under Sections 420, 467, 468 & 471 IPC.
2. Case of the prosecution, in brief, is that one Omprakash Sahu presented a forged appointment letter before the police authority and upon enquiry, it was found that Om Prakash Sahu never appeared in the process of selection and he attempted to get into public employment through forged appointment letter. The allegation against the present applicant is that upon enquiry made, it has come forth that this forged letter was handed over to Om Prakash Sahu by the present applicant and the applicant has taken more than Rs.5 lakh for providing forged appointment order.
3. Learned counsel for the applicant would submit that only on suspicion,

offence has been registered against the applicant without making proper enquiry at the initial stages. He would submit that as per statement of Om Prakash Sahu and other persons, whose statements have been recorded during investigation, are only an attempt to falsely implicate the applicant because the present applicant had filed contempt petition against certain police officials in the matter of non-compliance of the order passed by the High Court in his favour in the writ petition by him. Therefore, under these circumstances, the applicant may be protected.

4. On the other hand, learned counsel for the State has opposed the bail application. He would submit that after registration of offence, during investigation so far made. number of statements have been recorded. The name of the applicant has come in the statements of various prosecution witnesses that it is the applicant who had provided forged appointment letter to Om Prakash by taking more than Rs.5 lakh.
5. Having considered the submissions made by learned counsel for the parties, taking into consideration the nature of allegation against the applicant and that statements taken during investigation involved the applicant as the one who had provided forged appointment letter to Om Prakash on the alleged payment of more than Rs.5 lakh, I am not inclined to protect the applicant.
6. The application is accordingly rejected.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge