

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1240 of 2018**

Bhuwan Lal Sahu S/o Shri Shivcharan Lal Sahu Aged About 58 Years R/o Old Ice Factory Purani Basti Korba Police Station Kotwali Korba District Korba Chhattisgarh, District : Korba, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through In -Charge Police Station Dipka District Korba Chhattisgarh, District : Korba, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Ashok Kumar Swarnakar, Advocate.
For the Respondent/State	:	Shri Ashish Shukla, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****22.10.2018**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 136 of 2018 registered at police station Dipka, District Korba, Chhattisgarh for the offence punishable under Sections 420, 467, 468 and 471/ 34 of the Indian Penal Code.
3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. He has not been benefited in any manner from the offence of cheating that has been committed. The main accused is one Poushit Ram Sahu who had filed an affidavit in which the applicant

affixed his signature as the person who identified him. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect.

5. Heard counsel for both the parties and perused the case diary.

6. Complainant – Geeta Bai has filed a complaint against the applicant. On the basis of which, FIR has been lodged in the police station. It is alleged that without her knowledge the documents of the land belonging to the complainant that were acquired for SECL, were used by one Paushit Ram Sahu pretending to be husband of the complainant.

7. As this applicant has not been benefited directly from the alleged commission of offence and for the reason that similarly placed co-accused – Murit Ram Sahu has been granted bail by this Court in M.Cr.C.(A) No. 1017 of 2018 vide order dated 11.09.2018, I am of the considered opinion that the applicant deserves to be released on anticipatory bail.

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, 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 them 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