

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1279 of 2018**

Sanjay Gupta, S/o. Satyanarayan Gupta, Aged About 52 Years, R/o. Lakholi Road, Rajnandgaon, District Rajnandgaon, Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Lalbagh, Rajnandgaon, District -Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant : Mr. B.D. Guru, Advocate
For Respondent/State : Mr. Ashish Shukla, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****01/11/2018**

1. Apprehending arrest in connection with Crime No.153/2017, registered at Police Station – Lalbagh, Rajnandgaon, District – Rajnandgaon (C.G.) for offence punishable under Section 420, 467, 468, 478 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 had made purchase of the vehicle from one Mohd. Ajhar and he was given the registration and insurance papers on that purchase. The applicant himself was not the person, who had procured the

insurance policy, which is said to be forged and fake. Therefore, it is prayed 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. It is submitted that according to the statement given by the Mohd. Ajhar and one Irfan Khan, there had been no insurance at the time the vehicle was transferred to this applicant and he is the person, who has procured the forged insurance papers and made use of the same to present his case in the claim Court. Hence, looking to the fraudulent act committed by the applicant, he is not entitled for grant of anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. In Crime No.58/2016, registered in Police Station – Lalbag for offence under Section 279, 337, 304-A of the Indian Penal Code, seizure of one insurance certificate of vehicle bearing registration No. AP-23Y-8850 was made. A claim was preferred before the Motor Accidents Claims Tribunal arraying Mohd. Ajhar as registered owner, in which it has been discovered that the insurance certificate is forged. Hence, complaint was made by the Reliance General Insurance Company Limited, which was enquired. The statement has been given by the Mohd. Ajhar, that while making sale of the vehicle, no insurance paper was handed over to the complainant and the same have been procured or forged by the applicant himself. Hence, the offence has been registered against the applicant.

6. Considered the submissions made and the contents of the case diary. On perusal of the case diary, it appears that so far only statement has been made against this applicant that he is the person, who has forged or procured the forged insurance papers. Whereas, the insurance paper i.e. alleged to be forged shows date of start of insurance cover from 16.12.2015, prior to the purchase of the vehicle by this applicant. Hence, after due consideration on all the material present in 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