

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C.(A) No. 1302 of 2018**

Sanjeet Kumar S/o Shri Lal Bihari Prasad Aged About 26 Years R/o Wajeetpur Police Station Mukhdumpud District Jahanabad Bihar, District : Jehanabad, Bihar.

**---- Applicant****Versus**

State Of Chhattisgarh Through Police Station Kotwali Durg District Durg Chhattisgarh., District : Durg, Chhattisgarh.

**---- Respondent**


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For the Applicant : Shri Arvind Dubey, Advocate.  
For the Respondent/State : Shri Avinash K. Mishra, P.L.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****ORDER****14.11.2018**

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.1076 of 2013 registered at police station Kotwali, District Durg, Chhattisgarh for the offence punishable under Sections 419, 420, 467 and 468/ 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. The stand of the applicant is that his admission card was lost and the other co-accused made use of the same to appear in the examination for which the applicant had not authorized him.

The applicant had no knowledge about filing of charge-sheet and he could not appear for the reason that he is resident of other State. 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. It is submitted that the applicant is absconding since the date of filing of the charge-sheet. Hence, no case is made out for grant of anticipatory bail to the applicant.

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

6. The case against the applicant is that on 17.11.2013, the co-accused and Pintu gave appearance for written examination held for Railway Entrance Group-D Examination. As the photographs attached on the admission card did not match, the co-accused was handed over to the police. The admission card showed the photograph of this applicant. Hence, this case.

7. After considering all the facts and circumstances of the case and considering that though the case is of year 2013, in which the applicant wishes to appear and defend himself, I am of the opinion that the present is a fit case where the applicant is entitled 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