

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1409 of 2018

- Salma Parveen W/o Mohammad Iftekhar Hussain Ansari, Aged About 51 Years, R/o Ward No.8, Civil Court Road, Infront of High School, Al-Shams InfoTech College Nagari, Dhamtari, District Dhamtari, Chhattisgarh., District : Dhamtari, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Thana Incharge, Police Station Nagari, District Dhamtari, Chhattisgarh., District : Dhamtari, Chhattisgarh

---- Non-applicant

For Applicant – Smt. Fouzia Mirza, Advocate.

For Non-applicant/State – Shri Ashish Shukla, Govt. Advocate.

Shri Praveen Das, Advocate for the objector.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

19-11-2018

1. Apprehending arrest in connection with Crime No.40/2018, registered at Police Station – Nagri, District- Dhamtari, Chhattisgarh for offence punishable under Section 420, 467, 468, 471 of the IPC, the applicant has preferred this application for grant of anticipatory bail.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. The name of Johra Begam, mother of this applicant is shown as President of Al-Shams Education Society in document is of no consequence. The allegation regarding submission of forged fixed deposit receipts in Pt. Ravishankar Shukla University is without any authority made by the complainant and his statement is false. Annexure-P/6 filed along with the application which goes to show, that a communication was received from the Pt. Ravishankar Shukla University, Raipur regarding the effectiveness and continuity of the fixed deposit receipts and apart from that Pt. Ravishankar Shukla University is not aggrieved in any manner as alleged. The FIR has been lodged only on the basis of complaint filed by the complainant under Section 156(3) of the Cr.P.C., whereas, the applicant was absolved from the allegation

made by the complainant by the District Skill Development Authority regarding which Annexure-A/4 filed along with the application. Hence, it is prayed that the application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application submitting that serious allegation has been made by the complainant against the applicant alleging embezzlement of huge amount from the various funds received from the Government under various schemes. The investigation is at very preliminary stage. Hence, the applicant is not entitled for grant of anticipatory bail.

4. Learned counsel for the objector after adopting the argument advanced by the State counsel submits that the applicant is making false statement, there is evidence present that the applicant has made use of fake documents to get recognition and affiliation from Pt. Ravishankar Shukla University, Raipur and has fraudulently acted to get the fake beneficiaries for the scheme of Mukhyamantri Koushal Vikas Yojna. Hence, no case is made out for grant of anticipatory bail.

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

6. Complainant Sarfarajudding has filed an application under Section 156(3) of the Cr.P.C. before the JMFC Dhamtari, on the basis of which, the FIR has been lodged. It is alleged that the applicant has filed forged documents in Pt. Ravishankar Shukla University, Raipur to get affiliation and recognition and also has created fake beneficiaries to take benefit of Mukhyamantri Koushal Vikas Yojna. Hence, this case.

7. After perusing the case diary and perusing of the documents attached with the application, I am of this view that Pt. Ravishankar Shukla University and the department of Skill Development have not come forward with complaint against the applicant. Hence, after due consideration, I feel inclined to allow this application.

8. Accordingly, the anticipatory bail application is allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, she shall be released on bail by the officer arresting her 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 herself 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 her by the said Court till disposal of the trial.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge