

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No.1174 of 2017**

Rakesh Jain (Golchha), S/o Late Rawalmal Jain, Aged about 35 years,
R/o 2/4, Rishabh Nagar, Durg, Police Station, Tahsil and District Durg
(CG)

-----Applicant

Versus

State of Chhattisgarh, through Police Station Durg, Distt. Durg (CG)

---- Non-applicant

For applicant	:	Mr.T.K. Jha, Advocate
For Non-applicant	:	Mr.R.N. Pushty, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

22-03-2018

1. Apprehending arrest in connection with Crime No.32/2017, registered at Police Station - Durg, District - Durg (CG), for the offence punishable under Sections 420, 468, 471 of the IPC, the applicant has filed this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. Case of the prosecution, in brief, is that the applicant and Ritesh Jain submitted a forged tender on 14-03-2012 in the name of complainant Mahesh Sharma and thereby committed the aforesaid offences.
3. Learned counsel appearing for the applicant would submit that the applicant has not committed any offence and he has been falsely implicated in crime in question. In fact, a criminal case is pending against Mahesh Sharma and Abhishek Sharma in Crime No.132/2012 in which the present applicant and Ritesh Jain are the witnesses.

When Mahesh Sharma requested for compromise which was declined by the present applicant, then a false complaint has been lodged on 09-01-2017 with a delay of about 5 years, as such, the applicant may be granted anticipatory bail.

4. On the other hand, learned Government Advocate appearing for the State while opposing the bail application submits that a forged tender was submitted by the present applicant along with Ritesh Jain, therefore, it is not a fit case for grant of anticipatory bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, the nature of criminal case pending and further taking into consideration that the applicant is a witness in the criminal case against the complainant and delay in lodging the FIR, this Court is inclined to extend the benefit of anticipatory bail in favour of the applicant.
7. Accordingly, this application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offences, he shall be released on bail by the officer arresting him on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating/Arresting Officer. The applicant shall also abide by the following conditions:-
 - (i) that he shall make himself available for interrogation before the concerned Arresting/Investigating Officer as and when required;

- (ii) that he shall not, directly or indirectly, make any inducement, threat or promise to the 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 he shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that he shall also appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Sanjay K. Agrawal)
JUDGE