

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1415 of 2018**

Rajnish Sahu S/o Shri Palak Ram Sahu Aged About 49 Years R/o Ashok Nagar, Chatidih, Sarkanda, Police Station Sarkanda, Tahsil And District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Arakshi Kendra Sarkanda, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh.

---- Respondent

For the Applicant : Shri S.C. Verma, Advocate.
For the Respondent/State : Shri Ashish Shukla, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****27.11.2018**

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. 466 of 2018, registered at Police Station – Arakshi Kendra, Sarkanda, District – Bilaspur, Chhattisgarh for the offences punishable under Sections 420, 465, 467 and 468 of the Indian Penal Code.

3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case on the basis of some confusion. The statement that has been made by the complainant is that the applicant had

not filed any complaint or application to the Collector/ Commissioner, however, RTI documents attached by the applicant shows regarding the filing of complaints by him. According to the allegation made by the complainant, the applicant has made an incorrect statement before this Court in W.P.(PIL) No. 16 of 2016 regarding filing of two applications to the Collector/ Commissioner and that has been made the basis of lodging FIR. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. 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 alongwith the complaint the complainant has attached the RTI documents which show that the applicant has not filed any complaint or application to the Collector/ Commissioner. 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 allegation in the FIR against the applicant is that he forged copies of the application purported to be submitted before the Collector and Commissioner and made use of the same in W.P.(PIL) No. 16 of 2016. Hence, this case.

7. Considered the material present in the case-diary and also considering the fact that the RTI documents attached by the applicant alongwith the application which show submission of the application/

complaint by the applicant to the Collector/ Commissioner. Hence, there appears to be some confusion which may be cleared in the investigation. For the present, 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