

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8820 of 2018

- Amit Singh Thakur, son of Shri Kunwar Singh Thakur, aged about 42 years, R/o Sr. M.I.G. 20, Parijaat Extension, Nehru Nagar, Bilaspur Tahsil & District- Bilaspur (C.G.)

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Civil Line, Bilaspur District- Bilaspur Chhattisgarh

---- Respondent

For Applicant

Mr.Rajeev Shrivastava, Advocate.

For Respondent

Mr. Anil Pillai, Dy. A. G.

Hon'ble Shri Justice Gautam Chourdiya

Order On Board

19/12/2018

This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 829/2018, on 16.10.2018, registered at Police Station- Civil Line, Bilaspur, District- Bilaspur for the offence punishable under Sections 120B, 211/34, 420, 467, 468, 471, 472 of Indian Penal Code.

Allegation made against the accused/applicant Amit Singh Thakur is that he executed an agreement on 20.5.2015 and based on that, transaction of Rs.40.20 lacs was made. According to the office of Treasury it appears that the document in question was issued on 31.8 2015 and the same was executed on 20.5.2015. The applicant is alleged to have committed forgery of documents to create right on the property in dispute. On the written complaint being made to this effect by complainant Arun Singh, offence as mentioned above was registered against the applicant under Crime No.829/18 at Police Station – Civil Lines, Bilaspur.

Learned counsel for the applicant submits that the accused/applicant has been falsely implicated, he also filed complaint against Vaibhav Jain,

Vimal Jain and Arun Singh but no FIR was registered against them. Thereafter the applicant filed a petition i.e. WP(CR) No.462/18 in which vide order dated 13.8.2018 this Court directed the concerned police authorities to register FIR and complete investigation at the earliest, however, no action has been taken pursuant to the above order of this Court by the police authorities. As per Annexure A/1, 6th Additional Sessions Judge, Bilaspur also directed to Superintendent of Police, Bilaspur for taking appropriate action in compliance of the order of this Court. He further submits that dispute between the parties is of civil nature, however, the complainant has deliberately given it criminal colour by misrepresentation of facts and taking undue advantage of he being an influential person.

On the other hand, learned State counsel opposes the bail application.

Heard both the parties and perused the case diary.

Considering the facts and circumstance of the case, the nature of dispute between the parties, the order dated 13.8.2018 of this Court in WPCR No. 462/2018 and the order of Annexure A/1 of Additional Sessions Judge, without commenting anything on merits of the case, this Court is of the opinion that present is a fit case to grant bail to the applicant. Accordingly, the application is allowed.

It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.2 lacs with two sureties in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Gautam Chourdiya)
v. Judge