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**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C.(A) No. 68 of 2019**

Gulshan Dhritlahre S/o Shri Ashok Dhritlahare , Aged About 24 Years R/o Guru Ghasidas Ward No. 03, Chatodh, ,police Station Vidhan Sabha Tahsil And District (Revenue And Civil) Raipur Chhattisgarh., District : Raipur, Chhattisgarh.

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

State Of Chhattisgarh Through Police Station Khamtarai ,district (Revenue And Civil ) Raipur Chattisgarh., District : Raipur, Chhattisgarh.

**---- Respondent**


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

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****ORDER****04.02.2019**

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. 366 of 2016, registered at Police Station (AJAK) – Khamtarai, District Raipur, Chhattisgarh for the offences punishable under Sections 420 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. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. The case is only against co-accused – Kishore Kumar Soni and there is no

evidence collected against the applicant. The name of this applicant has appeared only in the memorandum statement of co-accused – Kishore Kumar Soni which is not admissible evidence. Hence, it is prayed that the applicant be enlarged on anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that there appears to be requirement of custodial investigation. Hence, the applicant is not entitled for grant of anticipatory bail.

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

6. Co-accused – Kishore Kumar Soni is alleged to have arrested for forging smart cards. He was apprehended on the spot by the District Advisor of the Chief Medical Officer and handed over to the police. Co-accused – Kishore Kumar Soni has made a statement under Section 27 of the Evidence Act that he had learnt the method of preparing smart cards in the computer from this applicant and has also stated that the applicant is also engaged in the similar business. This is the only statement against this applicant.

7. On perusal of the case-diary and there appears to be no requirement of custodial interrogation in this case for what kind of forgery he himself has done in this case and also looking to the evidence, I feel inclined to grant anticipatory bail to the applicant.

8. Accordingly, the bail application filed under Section 438 of the Cr.P.C. is allowed.

9. 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