

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 53 of 2019

- Khorbahara Ram Sahu @ Guhariram Sahu, S/o Late Shri Dhansingh Sahu, Aged About 58 Years, R/o Village Kasahi, Police Station Suregaon, District Balod Chhattisgarh., District : Balod, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Rajhara, District Balod Chhattisgarh., District : Balod, Chhattisgarh

---- Non-applicant

For Applicant – Shri Shashank Thakur, Advocate.

For Non-applicant/State – Shri I. Lakra, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

26-03-2019

1. Apprehending arrest in connection with Crime No.59/2017, registered at Police Station –Rajhara, District Balod, Chhattisgarh for offence punishable under Section 420 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. No case is made out against this applicant. The signature of the applicant was obtained by the complainant on the stamp paper giving assurance that the stamp paper shall be used for some surety purpose. The allegation made by the complainant in this case is totally false and the applicant has not received any amount from him. As alleged the incident is of the year 2011, whereas, one written complaint was given on 07-01-2016, which was enquired by the police and a report given that no case is made out against this applicant, thereafter, the false FIR has been lodged on 18-03-2017. Therefore, the whole case is concocted. Hence, it is prayed that this applicant may be benefited with grant of anticipatory bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that looking to the evidence present in the case diary, no case is

made out for grant of anticipatory bail.

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

5. It is alleged that this applicant by giving inducement to complainant Mukund Ram Meshram that he has influence in railways and bank departments and he can arrange for appointment of job for the complainant and his brother. In return, the applicant received Rs.6,00,000/- as illegal gratification. Later on, neither the complainant and his brother got any appointment in any service nor the amount received by the applicant was returned to them. Therefore, the FIR has been lodged.

6. Considered on the entire material present in the case diary The agreement that is stated to have been executed on 29-07-2011 shows purchase of stamp on 30-08-2011 by some person who is not a party to this agreement. Therefore, considering on all the evidence present in the case diary, I feel inclined to allow this application.

7. 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, 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 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 him by the said Court till disposal of the trial.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil