

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 236 of 2019

1. Ashok Singh S/o Sitaram Singh, Aged About 50 Years, R/o Quarter No. B/191, Dhelwadih Colony, Post Katghora, District Korba Chhattisgarh., District : Korba, Chhattisgarh
2. Zubair Ansari S/o Mohd. Muslim, Aged About 46 Years, R/o Overman, Bagdeva Mines, Katghora, District Korba Chhattisgarh., District : Korba, Chhattisgarh
3. Mahendra Singh S/o Dharam Singh, Aged About 45 Years, R/o Quarter No. B/195, Post Katghora, District Korba Chhattisgarh., District : Korba, Chhattisgarh
4. Awadhesh Singh S/o Siddheshwar Singh, Aged About 52 Years, R/o Quarter No. B/86, Dhelwadih Colony, Post Katghora, District Korba Chhattisgarh., District : Korba, Chhattisgarh
5. Shyam Bihari Singh S/o Trivedi, Aged About 49 Years, R/o Quarter No. B/ 39, Dhelwadih Colony, Post Katghora, District Korba Chhattisgarh., District : Korba, Chhattisgarh
6. Upendra Kumar S/o Jeetram, Aged About 45 Years, R/o Quarter No. B/200, Dhelwadih Colony, Post Katghora, District Korba Chhattisgarh., District : Korba, Chhattisgarh
7. Vipin Mishra S/o Nityanand Mishra, Aged About 51 Years, R/o Quarter No. B/202, Dhelwadih Colony, Post Katghora, District Korba Chhattisgarh., District : Korba, Chhattisgarh
8. Jitendra Kumar S/o Ram Parvesh, Aged About 47 Years, R/o Village Sutarra, Post Katghora, District Korba Chhattisgarh., District : Korba, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Bankimongra, District Korba Chhattisgarh., District : Korba, Chhattisgarh

---- Non-applicant

For Applicants – Shri Anil S. Pandey, Advocate.

For Non-applicant/State – Shri Arun Shukla, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

11-02-2019

1. Heard on the application for correction of offence mentioned in the application.
2. It is prayed that during investigation the police has added offence under Section 467, 468, 471 of the IPC, therefore, it may be permitted that these offence be added in the application.

3. Permission granted.

4. Amendment be carried out during course of the day.

5. Application of applicant No.2 Zubair Ansari for grant of anticipatory bail in this MCRCA has already been withdrawn by learned counsel for the applicants vide order of this Court dated 08-02-2019.

6. Applicant No.1 and applicants No.3 to 8 are apprehending their arrest in connection with Crime No.33366003190009/2019, registered at Police Station – Bankimongra, District Korba Chhattisgarh for offence punishable under Section 420, 467, 468, 471, 34 of the IPC, hence, they are praying for grant of anticipatory bail in this application.

7. It is submitted by learned counsel for applicant No.1 and applicants No.3 to 8 that no case is made out against these applicants. Complainant Satyapujan Mishra is a RTI activist and in the garb of blackmailing these applicants he has repeatedly made false complaints against them. The first complaint filed by him in the year 2015 has been enquired by the police and the report dated 15-11-2017 annexed as Annexure -A/2 was submitted by the police in which it was clearly observed that the complainant had made false complaint. Suppressing the fact and result of earlier complaint, the complainant has again filed another application under Section 156(3) of the Cr.P.C. on 27-11-2017 and on the basis of the order passed by the Court the FIR has been registered against these applicants. The allegations against these applicants are totally baseless which have already been enquired by the police. All these applicants are employees of SECL. Therefore, it is prayed that these applicants may be granted anticipatory bail.

8. Learned counsel for the State/non-applicant opposes the application submitting that there is evidence present against these applicants regarding commission of offence registered against them. Therefore, the application may be rejected.

9. According to the FIR lodged against these applicants, allegations have been made that all the applicants had applied for job in SECL between 1989 to 1991 on the basis that they were the persons affected by land acquisition and on that basis they were appointed to various jobs in SECL. It is alleged by the complainant that these applicants had filed forged documents showing title on the land acquired against which they had obtained job, whereas, the survey numbers of the said land show different title holders in the revenue records. Therefore, these applicants have committed offence of forgery and cheating.

10. After considering on the entire material present in the case diary and considering the fact that earlier the case had already been enquired by the police itself and this fact appears to have been suppressed in the complaint and the FIR lodged later on, I feel inclined to allow this application.

11. Accordingly, the anticipatory bail application filed by applicant No.1 and applicants No.3 to 8 is allowed. It is directed that in the event of arrest of these applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on each of them 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. These applicants shall also abide by the following conditions :

- (i) that they shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that they 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 they shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that they shall appear before the trial Court on each and every

date given to them by the said Court till disposal of the trial.

12. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil