

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 296 of 2019**

Ramkrishna Rathore, S/o. Shri Mayaram Rathore, Aged About 65 Years,
R/o. Village Seoni, Thana Tahsil Champa, District Janjgir Champa
Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : Police Station -Janjgir, District -Janjgir
Champa, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Anurag Dayal Shrivastava, Advocate
For Respondent/State	: Mr. I. Lakra, Dy.G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****06/03/2019**

1. Apprehending arrest in connection with Crime No.393/2018, registered at Police Station – Janjgir, District – Janjgir-Champa (C.G.) for offence punishable under Section 420, 467, 468, 471 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned 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 present in the case diary. Totally false allegation has been made by the complainant against this applicant regarding manipulation of the date of birth of this applicant in the mark-sheet, which was used for obtaining service. The applicant was appointed to the job and has superannuated from irrigation department in the year 2015 on the basis of his date of birth, which is not disputed by the complainant, which shows that the applicant has not taken benefit of the disputed

entries in the mark-sheet. Therefore, it is prayed that the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. Complainant Jitendra Rathore has lodged FIR alleging that the applicant has manipulated his date of birth in his mark-sheet, which was earlier shown as 05.09.1953 to 05.08.1958 and made use of the same for obtaining government job. Hence, this case.
6. Considered the submissions made and the contents of the case diary. As it is appeared that the applicant has superannuated from his service on the basis of undisputed date of birth, therefore, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram