

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRCA No. 545 of 2019**

- Braj Bihari Singh @ B.B.Singh S/o Late Sitaram Singh, aged about 61 Years, Ex-Deputy General Manager, Chirmiri Area S.E.C.L. at Present R/o D-19, Nehru Nagar, Kusmunda, P.S. Kusmunda, District- Korba, Chhattisgarh.

**---- Applicant**

**Versus**

- State of Chhattisgarh Through- Station House Officer, Police Station- Chirmiri, District- Koriya, Chhattisgarh.

**---- Respondent**

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For Applicant : Mr. Sudhir Kumar Bajpai, Advocate.  
For Respondent : Mr. I Lakda, Dy. Govt Advocate.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**  
**Order On Board**

**29/04/2019**

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.237/2016 registered at Police Station-Chirmiri, District-Koriya(C.G.), for the offence punishable under Sections 218, 177, 120-B, 420, 464, 466, 468, 471, 201 & 34 of the Indian Penal Code.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. The applicant had been Ex. Deputy General Manager of Chirmiri Area, SECL at the time of alleged commission of offence. It is submitted complainant Ratan Jain, who is not at all aggrieved in this matter, has filed complaint on the basis of which FIR has been lodged after intervention of the Courts. Similarly placed co-accused persons have been granted anticipatory bail by this

Court, hence, it is prayed that this applicant may also be benefited with grant of anticipatory bail.

3. Learned State Counsel opposes the bail application and the submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. According to FIR lodged, a land was transferred by the State Government in favour of SECL, Chirmiri for the purpose of open cast mining imposing a condition that the land so allotted has to be covered by barbed wire fence upto height 6 ft. and this work was to be carried out within one month from the date of transfer of land. It is alleged that the fencing work is still incomplete but the applicant & others submitted a false report that 75% work has been done. Hence, this case.
6. It may a case of giving false report but on perusal of the case diary so far there does not seem to be any evidence available that any person was benefited from the said false report. It appears that it may be a case of negligence which has to be dealt with departmentally first to find out criminal responsibility of the person involved. In these circumstances, I am of this opinion that this is a fit case where applicant should also be granted anticipatory bail.
7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of 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.

Sd/-

**(Rajendra Chandra Singh Samant)**  
Judge

Nisha