

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 501 of 2019**

Smt. Gonda Bai Chandrakar W/o Shri Lalit Chandrakar Aged About 44 Years
Caste Kurmi, R/o Village Ghorpendri P.S. Pandatarai, District- Kabirdham,
Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through P.S. Pandatarai, District- Kabirdham,
Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh.

---- Respondent

For the Applicant : Shri F.S. Khare, Advocate.
For the Respondent/State : Shri I. Lakra, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****15.04.2019**

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. 34 of 2019, registered at Police Station Pandatarai, District Kabirdham, Chhattisgarh for the offence punishable under Sections 420, 467, 468 and 471 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.

Because of the enmity, the complainant who was the candidate of the opposition and others, who were his supporters, have lodged this false FIR against this applicant. No petition has been filed for cancellation of the election of the applicant by any person concerned, therefore, allegation made is without any basis and is malicious. 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 is evidence collected in the investigation that this applicant has used the forged mark-sheet of 8th class in her nomination form and has made a false statement on affidavit, therefore, no case is made out for grant of anticipatory bail to the applicant.

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

6. The allegation against this applicant is that she filed nomination for election to the post of Sarpanch by making use of forged mark-sheet of 8th Class. Hence, this case.

7. In Panchayat Election Rules, 1995 and in Panchayat Raj Adhiniyam, 1993 there is no provision to deal with this situation, however, under Section 125 of the Representation of People Act, 1940, the punishment for such kind of offence, that is provided which extend to only six months imprisonment. If the complainant and the others concerned have any ground, they can file an election petition before the concerned Court. Hence, after due

consideration, I feel inclined to grant anticipatory bail to the applicant for the reason that the applicant is an elected person of the said Gram Panchayat.

8. 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, she shall be released on bail by the Officer arresting her 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. She shall also abide by the following conditions:

- '(i) that the applicant shall make herself 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 her by the said Court till disposal of the trial.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge