

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 549 of 2019

- Shiv Charan Prasad Rathore S/o Shri Samaru Ram Rathore, Aged About 49 Years, R/o Utarda (Nawadih), Tehsil Pali, Chowki-Hardi Bazar, District Korba Ghatna Thana- Deepka, District Korba Chhattisgarh, District : Korba, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Deepka, District Korba Chhattisgarh, District : Korba, Chhattisgarh

---- Non-applicant

For Applicant – Dr. N.K. Shukla, Senior Advocate with Shri Achyut Tiwari, Advocate.

For Non-applicant/State – Shri Arun Shukla, Govt. Advocate.
Shri Vikas Pandey, Advocate for the objector.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13-05-2019

1. Apprehending arrest in connection with Crime No.55/2019, registered at Police Station – Thana Deepka, District Korba, Chhattisgarh for offence punishable under Section 193, 419, 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. The applicant has bonafidely obtained job with SECL on the basis of being a dependant of one displaced person in land acquisition proceedings. The applicant is in service since 1999. The complainant having no personal grievance with the applicant has lodged this FIR belatedly, which should not have been entertained under the provisions of Section 39 of the Cr.P.C. Totally false allegations have been made by the complainant. It is undisputed that father's name of this applicant is Samaru Ram and the name of grand-father of the applicant had been Panikram as well as Harnarayan. The complainant is making out a case on the basis of difference in entry in the revenue record which is without any substance.

Therefore, it is prayed that the applicant may be benefited with grant of anticipatory bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that according to the material present in the case diary no case is made out for grant of anticipatory bail to the applicant.

4. Learned counsel for the objector/complainant adopts the argument advanced the State counsel and submits that the applicant has deliberately suppressing the truth obtained the job with the SECL representing himself to be a dependant of a person displaced in the land acquisition proceeding. On perusal of the document, it is evident, that the name of grand-father mentioned by the applicant and in the document of title are different as there is difference of caste. As there is obvious difference of caste, therefore, despite the delay the offence has been discovered, hence, the applicant is not entitled for any benefit under Section 438 of the Cr.P.C.

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

6. The case of prosecution has been briefly discussed hereinabove.

7. The question of obtaining job without entitlement first has to be examined by the department itself and as per the submission made by learned counsel for the applicant, the SECL has enquired and found satisfaction in conclusion, in favour of the applicant. After considering on all the facts and circumstances of this case, I feel inclined to allow this application.

8. 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.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge