

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 650 of 2019

- Sanju @ Pratipal Samundre @ Dablu, S/o Late Babulal Aged About 47 Years, by Caste - Domar , R/o Village - Dubchhola, Police-Station- Khandganwa, Tahsil - Khandganwa, District-Korea, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police-Station - Manendragarh, District-Korea, Chhattisgarh.

---- Respondent

For Applicant : Mr. Awadh Tripathi, Advocate.

For Respondent : Mr. Ghanshyam Patel, Govt. Advocate.

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

25/07/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.02/2019 registered at Police Station- Manendragarh, District-Korea(C.G.), for the offence punishable under Sections 363, 420, 452, 468, 471 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 is adopted son of Kamla, who is first wife of Babulal. Complainant in this case namely Ashok is the son of Babita, who is second wife of said Babulal. After the death of Kamla Bai, the applicant got compassionate appointment in the year 1991. Earlier a complaint was made by one Nagesh that the applicant and others have murdered one Sanju @ Pratipal which

was inquired into and report was given by the police-station-Chirmiri that the complaint is false. Later on, again one complaint was made by complainant Ashok in the police-station that the applicant and others have forcefully made him to sign on some papers, which was also inquired and it was found that the complaint was false. Thereafter, on the basis of same facts an application was filed under Section 156(3) of CrPC before the Court of learned Magistrate and by the order of that Court FIR has been lodged against this applicant which is without any basis. Hence, it is prayed that he may be enlarged on anticipatory bail.

3. Learned State counsel opposes bail application and submissions made in this respect. It is submitted that according to the statement given by complainant Ashok, son of Babulal, he is real son of Kamla, wife of Babulal, and the applicant is not related to him directly, who with the help of co-accused persons taken benefit of the opportunity of death of Kamla Bai and obtained compassionate appointment representing to be her son. Therefore, the offence is made out against the applicant, hence, his application be rejected.
4. Heard both the parties and perused the case diary.
5. The case of prosecution briefly discussed herein above. The FIR has been lodged on the basis of the application filed by the complainant under Section 156(3) of CrPC whereas the same complaint was earlier registered by the same police-station and the complaint was found to be false. Therefore, looking to the facts and circumstances of this case, I feel inclined to allow the application of this applicant.
6. 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, 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 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge