

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 658 of 2019

- Chitraman Sahu, S/o Parmeshwar Sahu, Aged About 69 Years, R/o Village-Salgawan, Khutrapara, Police Station & Tahsil Sonhat, District-Koriya Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh Through Police-Station-Baikunthpur, District-Koriya Chhattisgarh.

---- Respondent

For Applicant : Mr. Pushkar Sinha, Advocate.

For Respondent : Mr. Lav Sharma, Panel Lawyer.

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

07/05/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.76/2019 registered at Police Station-Baikunthpur, District-Koriya(C.G.), for the offence punishable under Section 420 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 bonafidely presented the lease-deed for furnishing surety before the Court concerned. The applicant was not aware that the said lease-deed was canceled by the Government, therefore, it can not be said that he had any intention for committing the offence of cheating, hence, it is prayed that he may be granted anticipatory bail.

3. Learned State Counsel opposes the bail application and the submissions made in this respect. It is submitted that the applicant has committed the fraud with the Court, therefore, he should not be granted anticipatory bail.
4. Heard both the parties and perused the case diary.
5. The allegation against this applicant is this, that he has presented the lease-deed for furnishing bond of surety before the Court knowingly that the same lease-deed has been canceled by the Government. Hence, this case.
6. Considered on the entire material present in the case diary, the said lease-deed was canceled this came to knowledge when the copy of lease-deed was sent for verification. The applicant had personally knowledge or not of cancellation of lease-deed which needs to be answered in the trial Court, therefore, for this reason, I feel to allow the application to this applicant.
7. 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

Nisha