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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 727 of 2019**

Khushal Shrivastava s/o Late Shri Ramadhar Shrivastava, Aged About 31 Years
Resident Of Village Pandhi, Police Station Seepat, District Bilaspur,
Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Civil
Line, Civil And Revenue District Bilaspur, Chhattisgarh., District : Bilaspur,
Chhattisgarh.

---- Respondent

For the Applicant : Ms. Sunita Sahu, Advocate.
For the Respondent/State : Shri Subhash Yadav, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****25.07.2019**

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. 829 of 2018, registered at Police Station – Civil Lines, Bilaspur, District Bilaspur, Chhattisgarh for the offence punishable under Sections 420, 467, 468, 471, 472, 120B and 211, 34 of the Indian Penal Code.
3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is a stamp vendor. He is a

person who suffers from mental disability time to time however, on getting medicated, he gets cured. The applicant has not made sale of any stamp paper as it is alleged and according to his register he has sold stamp paper of value Rs.20/- whereas, forged agreement entered in the stamp paper is of Rs.50/-. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that this applicant had made sale of the stamp paper on back date and this is an act of forgery. Hence, he is not entitled for grant of anticipatory bail.

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

6. According to the prosecution case, FIR has been lodged by one Arun Singh against Amit Singh Thakur alleging that one forged agreement on stamp paper bearing Serial Number M729457 was executed showing the date of 20.5.2015. On verification from the Treasury Officer, it was found that the stamp paper was issued on 31.8.2015, therefore, there is clear evidence that the stamp paper has been sold on back date and the seller of the stamp paper to be this applicant.

7. After considering the entire material in the case-diary and also considering the ground that the applicant is a sufferer of mental imbalance on temporary basis, I feel inclined to grant anticipatory bail to the applicant.

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, 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. He 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 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