

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 821 of 2019

- Kaushal Kumar Sonkar S/o Rajkumar Sonkar, Aged About 36 Years, Constable G. D., Office of Superintendent of Police, Kanker, Resident of Village- Lalmatvada, Police Station- Narharpur, District- North Bastar Kanker, Chhattisgarh., District : Kanker, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through the Station House Officer, Police Station- Kanker, District - North Bastar Kanker, Chhattisgarh., District : Kanker, Chhattisgarh

---- Non-applicant

MCRCA No. 832 of 2019

- Kaushal Kumar Sonkar S/o Rajkumar Sonkar, Aged About 36 Years, Constable G. D., Office of Superintendent of Police, Kanker, R/o Lalmatvada, Police Station Narharpur, District North Bastar Kanker Chhattisgarh, District : Kanker, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through the Station House Officer, Police Station Kanker, District North Bastar Kanker Chhattisgarh, District : Kanker, Chhattisgarh

---- Non-applicant

For Applicant – Shri D.K. Vishwakarma, Advocate.

For Non-applicant/State – Shri Arun Shukla, Govt. Advocate and Shri I. Lakra, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

25-06-2019

1. As the applicant in both these applications is the same though crime numbers are different, they are being decided by this common order.
2. Apprehending arrest in connection with Crime No.126/2019, registered at Police Station – Kanker, District- North Bastar Kanker, Chhattisgarh for offence punishable under Section 420 of the IPC, the applicant has preferred MCRCA No.821 of 2019 for grant of anticipatory bail.
3. MCRCA No. 832 of 2019 has been filed by the applicant as he is apprehending arrest in connection with Crime No.199/2019 (in the order sheet of the Court below it is mentioned as 119/2019), registered at P.S. Kanker,

District North Bastar Kanker, Chhattisgarh for offence punishable under Section 420, 467, 468 & 471 of the IPC.

4. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in these cases. Whatever that are alleged in the respective FIRs are matter of departmental enquiry. Therefore, without any departmental action lodging of the FIR and registration of the offences is illegal. The applicant has not suppressed any fact at the time of his appointment to the Chhattisgarh police in District Kanker. It was fault of the said department in making enquiry and verification regarding his previous appointment. The salary withdrawn from both the postings is fault on the part of the department and any excess salary can be realized from him in departmental process itself.

With respect to other case, it is submitted that the applicant had submitted real bills and document for the medical claim which are erroneously mentioned as being forged. The applicant has not committed any of the offences. Hence, it is prayed that both these applications may be allowed.

5. Learned counsel for non-applicant/State opposes the applications and submits that the applicant was already appointed as Constable in 7th Battalion of C.G. S.F. and after his appointment as Constable in District police Kanker he has drawn salaries from both the postings for about 10 months without informing his respective departments. Thereafter, in other case he has deliberately presented forged document to make a medical claim. Hence, there had been clear intention to cheat and fraud on the part of the applicant. Therefore, he is not entitled for grant of anticipatory bail.

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

6. In Crime No.126/2019 the case is this that, the applicant by suppressing his appointment and posting in 7th Battalion of C.G.S.F. obtained appointment in District Police Kanker and joined the said posting. The allegation is this, that, the applicant has drawn salaries from both his postings without informing the department about the truth which he had suppressed. In Crime No.199/2019

the allegation is this, that, he filed a medical claim with respect to the illness and treatment of his wife on the basis of forged prescription and forged medical bills, which was discovered later on. Investigation shows that the concerned medical stores and doctors had denied issuance of medical bills and prescriptions in favour of the wife of the applicant.

7. Looking to the evidence that is present against the applicant in case diary of both the cases, I do not feel inclined to allow these applications.

8. Consequently, both these applications filed by the applicant under Section 438 of the Cr.P.C. for grant of anticipatory bail are rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge