

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 877 of 2019

1. Sukhdev S/o Mangal Singh, Aged About 42 Years, R/o Village Manjarpahri, Police Station Seepat Tahsil Masturi, District Bilaspur Chhattisgarh.,
2. Santosh S/o Mangal Singh, Aged About 35 Years, R/o Village Manjarpahri, Police Station Seepat, Tahsil Masturi, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicants

Versus

1. Ram Ratan S/o Shravan Singh, Aged about 67 years, R/o Bamhnikhurd, Tahsil and Police Station Seepat, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
2. State of Chhattisgarh Through District Magistrate, Bilaspur District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicants – Shri Ravindra Sharma, Advocate.

For Non-applicant No.1 – Shri Ram Narayan Sahu, Advocate.

For Non-applicant No.2/State – Shri Rahim Ubwani, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

26-06-2019

1. Apprehending arrest in connection with Complaint Case No.19/19, pending before Judicial Magistrate First Class, Bilaspur, Chhattisgarh for offence punishable under Section 420, 467, 468, 120-B/34 of the IPC, the applicants have preferred this application for grant of anticipatory bail under Section 438 of the Cr.P.C.

2. It is submitted by learned counsel for the applicants that no case is made out against these applicants on the basis of complaint filed by non-applicant No.1 against them. The basis of the complaint is only to this extent that a loan has been obtained by Jagdev and Tijiyabai impersonating as complainant Ramratan Singh and his mother Indarmati. Therefore, these applicants are not involved in the alleged commission of crime. Further, applicant No.1 is a railway employee, therefore, his presence at the time of incident is doubtful and hence the allegation against him is also improbable. Therefore, it is prayed that these applicants may be benefited with grant of

anticipatory bail.

3. Learned counsel for non-applicant No.1 opposes the application and submits that according to the complaint made, Rin-Pustika of the complainant was fraudulently obtained by these applicants and other co-accused persons on pretext of obtaining manure from Government manure shop. The said Rin-Pustika was never returned and was used fraudulently for obtaining loan by the main accused persons with the help of these applicants. Therefore, these applicants are not entitled for grant of anticipatory bail.

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

5. The facts of complaint has been discussed briefly hereinabove.

6. Considered on the evidence regarding involvement of these applicants in the alleged commission of crime. The loan has been allegedly obtained by co-accused Jagdev along with Tijiyabai by impersonating themselves as complainant and his mother. Therefore, looking to the evidence that is present so far in the case regarding involvement of these applicants in the alleged commission of the offence, I feel inclined to allow this application.

7. Accordingly, the anticipatory bail application is allowed. It is directed that in the event of arrest of these applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on each of them 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. These applicants shall also abide by the following conditions :

- (i) that they shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that they 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 they shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil