

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 892 of 2019**

Shailendra Prasad Rathore, S/o. Late Siyalal Rathore, Aged About 45 Years, R/o. MQ 22 Azad Chowk, Deepka Colony, Korba, District Korba Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : District Magistrate -Korba, District Korba Chhattisgarh.

---- Respondent

For Applicant	: Mr. Hanuman Prasad Agrawal, Advocate & Mr. Ashok Singh, Advocate
For Respondent/State	: Mr. Vikram Dixit, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****01/08/2019**

1. Apprehending arrest in connection with Crime No.161/2019, registered at Police Station – Kusmunda, District – Korba (C.G.) for offence punishable under Section 420, 467, 468, 471 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant regarding commission of offence as alleged. The deceased Parvati Bai had adopted the applicant as her son, therefore, on this basis, she herself recommended the appointment of the applicant for service in SECL on the ground of benefit to persons displaced in acquisition proceeding. The applicant is employed since the year 2007 and the FIR has been lodged maliciously after passing of about more than 10 years.

Therefore, it is prayed that the applicant may be granted anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that there is clear evidence present against this applicant that this applicant has exercised fraud and cheated the SECL authorities to obtain employment, therefore, he is not entitled for grant of anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. According to the prosecution case, the complainant – Santoshi Bai has filed a written complaint in Police Station – Kusmunda on 30.04.2019 that she is the only daughter of Parvati. While the complainant left for her matrimonial home after her marriage, the applicant allured her mother Parvati Bai and forged the documents to show that he is son of Parvati Bai, which he has used to get employment in SECL. The caste of the applicant and the Parvati Bai were different, which discloses the fraud. Hence, this case.
6. Considered the submissions made and the contents of the case diary. On perusal of the documents regarding the process of employment of the applicant, it appears that the deceased Parvati Bai had herself signed the documents and given declaration in support of the applicant. It may be subject to enquiry by the SECL, whether the applicant has obtained the job without entitlement and do needful in accordance with rules and regulations, but under present circumstances, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.

7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge