

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 906 of 2019

- Ramkrishna S/o Devdu Aged About 48 Years R/o House No. 27/5, Nandini Nagar, Tahsil Dhamdha, District-Durg, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Police Station Nandini(District Magistrate, District-Durg, Chhattisgarh.t

For Applicant : Mr. T.K. Jha, Advocate.

For Respondent : Mrs. Madhunisha Singh, Panel Lawyer.

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

21/06/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.542/2019 registered at Police Station- Nandini, District–Durg(C.G.), for the offence punishable under Sections 420, 467, 471, 120-B 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 belongs to OBC category and is resident of State of Andhra Pradesh. The applicant is a public figure. In the panchayat election, 2009 he has successfully contested election for the post of Corporator, Ward No.8, Nandini Nagar as an unreserved category candidate as at that time the constituency was not reserved.

3. In the year 2014 i.e. for the next term, the said constituency has been reserved for OBC candidates, therefore, on the basis of the OBC category of applicant, he again filed nomination paper and won the election. In these circumstances, complaint filed against him is baseless. Hence, it is prayed that he may be enlarged on anticipatory bail.
4. Learned State counsel opposes bail application and submissions made in this respect. It is submitted that the applicant suppressing the fact that he originally belonged to OBC category from another State, filed nomination and contested the election, which is a fraudulent act. Further, the applicant has a criminal history of having being prosecuted under the proceedings under CrPC for the purpose of maintaining law and order. In these circumstances, he is not entitled for grant of anticipatory bail.
5. Heard both the parties and perused the case diary.
6. The case is briefly discussed herein-above. Complaint against the applicant is that he had contested election by suppressing that he belongs to OBC category from the State of Andhra Pradesh. Term of election contested is already nearing completion, therefore, after overall consideration, I am of this view that this is a fit case where the applicant should be enlarged on anticipatory bail.
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 them by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge