

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 959 of 2019

- Abhishek Gupta S/o Gopi Prasad Gupta Aged About 42 Years R/o 1-C/9, Banki Colony, Post And Thana Bankimongra, Tahsil Katghora, District Korba Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through In Charge Police Station Katghora, District Korba Chhattisgarh.

---- Respondent

For Applicant : Mr. Anand Shukla, Advocate.

For Respondent/State : Ms. Shriya Mishra, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

28/08/2019

1. The applicant has filed this first bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending his arrest in connection with crime no. 380/2016, registered at Police Station Katghora, Distt. Korba, Chhattisgarh for the offence punishable under Section 420 of the IPC.
2. As per prosecution story, in the year of 1990 at village Dhelwadih, a land admeasuring 8.83 acres was recorded in the name of Natthuram Yadav. After his death, names of his legal heirs has been recorded in revenue record. Out of that some portion of the land was acquired under the provision of Coal Bearing Act. It has been alleged that managment of SECL has granted employment to the applicant,

on the basis of forged and fabricated document against the land which is originally in the name of Siya Bai. On the basis of complaint made by one Anup Sarkar, police has registered the case against the applicant.

3. Learned counsel appearing on behalf of the applicant submits that there is no case can be made out against the applicant, he has obtained employment before 25 years ago from lodging the FIR. Siya Bai never made any complaint against the applicant regarding his employment till date. Earlier, Siya Bai has filed a WP(S) registered as WP(S) No. 1151/2017, for seeking relief of a direction to the SECL to consider her case for employment which was already dismissed on the ground of delay vide order dated 08.03.2017 of this Court. The applicant is a reputed person and employed with SECL since last 25 years. *Prima Facie* no case can be made out against him, therefore, he may be granted anticipatory bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application and submits that from the statement of Siya bai recorded under Section 161 of Cr.P.C., it reveals that she did not know the applicant. Thus, it is established that the applicant had obtained employment on the basis of forged documents.
5. I have heard learned Counsel for both the parties.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and further considering the fact that the applicant got the employment prior to 25 years from lodging the FIR, till date no complaint has been made by Siya Bai against him. In my considered opinion, it is a fit case for grant anticipatory bail to the applicant.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with

one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:-

- I. That the accused/applicant shall made himself available for interrogation before the concerned Investigating Officer as and when required;
- II. The accused/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. The accused/applicant shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
- IV. 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/-

(Arvind Singh Chandel)
Judge