

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1061 of 2019**

1. Madanlal Jain S/o Khetmal Jain Aged About 49 Years R/o Doundi, Police Station Doundi, Tahsil Balod, District Balod, Chhattisgarh.

---- Applicant**Versus**

2. State Of Chhattisgarh Through The Station House Officer, Police Station Mohan Nagar, District Durg, Chhattisgarh.

---- Respondent

For Applicant	: Shri B.P. Singh, Advocate.
For Respondent/State	: Shri Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**22/08/2019**

1. The Applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending his arrest in connection with Crime No. 402/2011 registered at Police Station Mohan Nagar, District - Durg, (C.G.). for the offence punishable under Sections 420, 467, 468, 471 of the I.P.C.
2. As per the prosecution story, in the year 2010-2011, the Chhattisgarh Civil Supplies Corporation Limited, Durg issued notice inviting tender for supply of goods from Base Depo Doundi and pursuant to the said NIT, the Applicant submitted his bid along with the particulars of vehicles engaged for supply work and the particulars of vehicle was shown to be issued from the Regional Transport Office. The bid submitted by Applicant was accepted. The internal query letter was issued to the Regional Transport Office regarding genuineness of the particulars of the truck and in reply to query letter, it was intimated by the Regional Transport Office that the particulars of the truck is not issued from the R.T.O. On the basis of the above background, a

written report was made and on the basis of the said, offence has been registered against the Applicant.

3. Learned Counsel appearing for the Applicant submits that the Applicant is innocent and has been falsely implicated in the present case. He further submits that F.I.R. has been lodged only on the basis of letter issued by R.T.O. to the effect that the particulars submitted by the Applicant is not issued from their office. Later on vide communication dated 25.07.2011, it was informed by concerned police authority that the particulars was issued from R.T.O. on 10.06.2010. It is further submitted that on the basis of subsequent information received from R.T.O., the concerned Investigating Officer has prepared a closure report and submitted the same before learned J.M.F.C., Durg. However, the learned J.M.F.C.,Durg has not accepted the said closure report and he sent back the same to the concerned police station for further proceedings. It is further submitted that on the basis of subsequent information received from R.T.O., it is well established that particulars of the truck were issued by R.T.O. Thus, the particulars submitted by Applicant are genuine certificates. Therefore, *prima facie*, no any offence can be made out against the Applicant. Thus, it is prayed that, present Applicant may be extended the benefit of anticipatory bail.
4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard learned Counsel appearing for the parties and perused the material available with due care.
6. Taking into consideration the submissions put-forth on behalf of the parties and further considering the fact that the subsequent information provided, was issued by Regional Transport Office, thus, without commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present Applicant.
7. Accordingly, the bail application is allowed.
8. It is directed that in the event of arrest of the Applicant in connection

with the aforesaid crime, he shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. He shall also abide by all the following terms and conditions :

- (i) He 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 from disclosing such fact to the Court,
- (ii) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) He 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