

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC(A) No. 1168 of 2019**

- Rajkumar Dammani S/o Late Shri Mohanlal Dammani Aged About 54 Years
R/o Ramsagarpara, Raipur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station
Gole Bazar, Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Shri B.P. Sharma, Shri B.D. Guru, Shri M.L. Sakat & Shri Hari Agrawal, Advocates.
For Respondent/State	: Smt. Hamida Siddique, Dy. A.G.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****16/09/2019**

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. 165/2019 registered at Police Station Gole Bazar, Raipur, District Raipur, (C.G.). for the offence punishable under Sections 420, 466, 468, 474, 34 of the Indian Penal Code.
2. As per the prosecution story, on 18.06.2019, Sub Divisional Officer, Raipur, lodged a written report in Police Station alleging that one memorandum dated 31.01.2019 was not issued by his office officially

in an authorize manner, but present Applicant alongwith the co-accused namely Mohan Das Manikpuri by taking photograph of the same, got a certified copy from the Copying Section of his office in an unauthorized manner and the same were produced before the Court on 22.05.2019. On the basis of the said report, offence has been registered.

3. Shri B.P. Sharma, 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 there is no direct evidence against the present Applicant to connect him with crime in question. From the material available on record, it can only be said that certified copy of memo dated 31.01.2019 was issued in an irregular manner. The said certified copy of the memo was received on 01.02.2019 and on 02.02.2019, the concerned S.D.O. recalled his order. It is further submitted that the S.D.O. has not given opportunity of hearing to the Applicant before recalling his order. The Applicant was officially not given intimation regarding recalling of order dated 31.01.2019. In the above circumstance, if the Applicant produced certified copy of the memo before the Court, no offence can be made out against him. It is further submitted that the allegation regarding obtaining certified copy by clicking photograph in mobile is against co-accused Mohan Das Manikpuri. Co-accused Mohan Das Manikpuri has already been granted regular bail from the trial Court. It is further submitted that the concerned S.D.O. first, without recording any proceedings, issued memo dated 31.01.2019 and thereafter, again, without recording any proceedings, recalled the said memo and certified copy of the said

memo was issued by Copying Section of his office in an irregular and illegal manner. But, till date, no action has been taken against the concerned S.D.O. or any of the employees of Copying Section. Thus, looking to the entire material available on record, *prima facie*, no case is made out against the present Applicant.

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 role played by the present Applicant, without further 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