

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1469 of 2018**

Gopal Singh Rathore S/o Shri Onkar Singh Rathore Aged About 33 Years
R/o Village And P. O. Afareed, P. S. Saragaon, Tahsil Champa District
Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Dipka, Tahsil Katghora, District
Korba Chhattisgarh, District : Korba, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Barun Kumar Chakrabarty, Advocate.
For the Respondent/State	:	Shri A.N. Bhakta, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****28.01.2019**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 73 of 2018, registered at Police Station – Dipka, District Korba, Chhattisgarh for the offences punishable under Sections 420, 467, 468 and 471, 34 of the Indian Penal Code.
3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. The

land that was acquired by South Eastern Coalfields Limited belonged to one Gulab Singh from whom inheritance came upon Smt. Girja Bai. The applicant is son of Smt. Girja Bai. Thus, he had entitlement to file an application for compensatory appointment against the land acquired. Complainant – Sandeep Kanwar has made totally false allegation against this applicant. The application of the applicant has been examined by the SECL and found genuine, that has been further approved by the Collector. Further, the complainant himself has filed an affidavit before the Court below in which he has made a statement that he has no objection if the applicant is granted anticipatory bail. Hence, it is prayed that the applicant be enlarged on anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that this applicant by preparing a forged document of adoption made by Gulab Singh who belongs to Scheduled Tribe Community whereas, the applicant himself is a non-tribal, has made use of that document to apply for compensatory appointment to SECL. Hence, the applicant is not entitled for grant of anticipatory bail.

5. Heard counsel for both the parties and perused the case diary.

6. According to the case-diary, the allegation so far against the applicant is that he had applied for compensatory appointment in SECL and he has not received any appointment so far by SECL. It is alleged that the applicant has forged and made use of that document to apply for compensatory appointed.

7. Considering the entire material present in the case-diary and the facts and circumstances of this case, I feel inclined to grant anticipatory bail to the applicant.

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

9. 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 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 them 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.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge