

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1586 of 2018

- Paushik Ram Sahu S/o Lalu Ram Aged About 58 Years Caste Sahu (Teli) R/o Quarter No. B/ 150 Adarsh Nagar Kusmunda Police Station Kusmunda Tahsil Katghora, District-Korba Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh through Police Station-Dipka, Tahsil-Katghora District-Korba Chhattisgarh.

---- Respondent

For Applicant : Mr. Raj Kamal Singh, Advocate.
For Respondent : Mr. Arun Shukla, Govt. Advocate.

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

16/01/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.136/2018 registered at Police Station-Dipka, Tahsil-Katghora, District-Korba(C.G.), for the offence punishable under Sections 420, 467, 468, 471, 34 of the Indian Penal Code.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. It is submitted that no case is made out against this applicant. The applicant had performed marriage with Geeta Bai, who was of Tanwar Caste and on the basis of the acquisition of her land, this applicant had got the benefit of getting

employment with SECL. The claim made by the complainant in this case is totally disputed as the complainant is Geeta Bai Tanwar and the name of her husband is Mohit Ram Sahu. The application under Section 156(3) of CrPC filed before the Court below was sent for police inquiry and report was also submitted that the complaint made by the complainant is false, even then the order that has been passed by the Court below for lodging of FIR is totally erroneous, hence, it is prayed that he may be released on anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that it is the applicant, who has manipulated tribe name of the complainant and has by misrepresentation benefited himself with employment in SECL and, thus, he has cheated the complainant and others on the basis of forged papers since about 39 years, therefore, he is not entitled for grant of anticipatory bail.
4. Heard both the parties and perused the case diary.
5. A complaint against this applicant and others was filed by the complainant Geeta Bai Sahu along with an application under Section 156(3) of CrPC claiming, that the complainant was the owner of the land which was acquired by SECL and against that by fraudulent way, the applicant has taken the benefit of employment. The Court below ordered for police inquiry, subsequent to which the Court below has passed order for lodging FIR against the applicant and others.
6. Considered on the entire material present in the case diary, there appears to be a civil dispute pending between the applicant and the complainant, in which, the applicant has prayed for establishing identification of the complainant. Further, the matter is almost 39 years

old and the complainant has come forward to file this complaint after so much delay. Hence, under these circumstances, I am of this view that this applicant also deserve with grant of

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