

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1602 of 2018

- Krishna Kumar Kumre S/o Shri Baliram Kumre Aged About 60 Years
Caste- Kandara, Senior Internal Auditor And Taxation Officer, Janpad
Panchayat Churiya, District- Rajnandgaon, Chhattisgarh. R/o Churiya,
Tahsil- Churiya, District- Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Police Station House- Churiya, District-
Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant : Mr. Abhishek Pandey with Mr. Santoch Kumar
Pandey, Advocate.
For Respondent : Mr. Lav Sharma, Panel Lawyer.

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.58/2018 registered at Police Station- Churiya, District – Ranjnandgaon(C.G.), for the offence punishable under Sections 420, 468 & 471 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. Applicant had prayed for time bound

promotion in the pay-scale which has not been considered and on the contrary false allegation has been made that it was applicant who had produced forged annual confidential reports (ACR) from 2012 to 2016. ACR is a confidential document in possession of the Superior Officers, which cannot come into possession of the applicant and this shows the concoction of case against the applicant. Applicant is a public servant, 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 according to the departmental proceedings, the ACR's submitted by the applicant himself for consideration in grant of time bound pay-scale to him were found to be forged and as such, no case is made out for grant of anticipatory bail.
4. Heard both the parties and perused the case diary.
5. The case against the applicant is briefly discussed herein above, that the ACR's submitted by the applicant for considering his case for grant of time bound pay-scale which were found to be forged.
6. The question therefore arises as to in what manner the applicant came into possession of his own ACR's.
7. From the investigation made so far, it is not made clear that ACR's of the concerned period were written and preserved in the department separately and were contrary to the ACR's so produced, which are alleged to have been forged. Hence, it appears that the dispute is still existing. Further, the applicant is a public servant, hence, for these reasons, I am of this view that this applicant deserves to be released on anticipatory bail.
8. 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