

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 512 of 2020

- Vinod Sinha S/o Lt. Paras Ram Sinha, Aged About 45 Years R/o Village - Sarkada, Post Office - Bhithidih Pithoura District Mahasamund, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through, Station House Officer, Police Station - Pithoura, District Mahasamund, Chhattisgarh.

---- Respondent

For Applicant : Shri Awadh Tripathi, Advocate.

For Respondent/State : Shri Ghanshyam Patel, G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

19/06/2020

1. The matter is heard through video conferencing.
2. The Applicant has preferred the first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 11/2020 registered at Police Station Pithoura, District – Mahasamund, (C.G.) for the offence punishable under Sections 420, 120-B of Indian Penal Code.
3. In this case there are total three accused persons. According to the case of the prosecution, in the year 2005, co-accused persons namely Rajni Sinha and Rakesh Sinha got employment as Shiksha Karmi-III on the basis of forged disability certificates. Present applicant is the Uncle of co-accused persons who is a stamp vendor and also owned a shop (Sinha Photocopy, Pithoura). Allegations against present applicant is that being owner of Photocopy shop and a stamp vendor,

he was involved in preparing forged disability certificates for co-accused persons. On the basis of the said, offence has been registered.

4. 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 any direct allegation against present applicant. Applicant is implicated only on the basis of statement of co-accused persons. He further submits that the Doctors who signed the disability certificates have admitted the fact that said certificates were signed by them. He also states that co-accused persons namely Rajni Sinha and Rakesh Kumar Sinha against whom main allegations are levelled have been arrested and they have already been released on regular bail by this Court vide order dated 12.03.2020 passed in MCRC No. 673/2020 and MCRC No. 576/2020 respectively. Charge-sheet has also been filed. Therefore, it is prayed that present applicant may also be granted benefit of anticipatory bail.
5. Learned Counsel appearing for the State opposes the bail application.
6. I have heard learned Counsel appearing for the parties.
7. Taking into consideration the submissions put-forth on behalf of the parties and considering the facts and circumstances of the case and further considering the fact that main allegations are against the co-accused persons, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicant.
8. Accordingly, the bail application is allowed.
9. 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/her 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/her by the said Court till disposal of the trial.

**Sd/-
(Arvind Singh Chandel)
Judge**