

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1016 of 2020**

- Ankit Jain, S/o Shri Abhay Kumar Jain, Aged About 30 Years R/o C/o Jain Provision, Near Civil Court Manendragarh, Tahsil Manendragarh, District Koriya Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through Police Station Manendragarh, District Koriya, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Parag Kotecha, Advocate.
For Respondent/State	:	Mr. Lalit Jangde, Dy. G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****27/11/2020**

Heard.

1. The applicant is apprehending his arrest in connection with Crime No.258/2020 registered at Police Station–Manendragarh, District-Koriya, (C.G.) for alleged commission of offence under Sections 467, 468, 471 & 420 of Indian Penal Code.
2. Prosecution case is that the applicant submitted a false affidavit before the Electricity Department in order to get electric meter and connection earlier granted in favour of his uncle Nirmal Jain for transfer in his own name stating that his uncle is not survived by any legal heirs. The wife of the deceased-Nirmal Jain lodged a report in police station on 17.07.2020 that deceased- Nirmal Jain is survived by his wife and sons.
3. Learned counsel for the applicant submits that the submission of affidavit that his uncle did not leave any legal heirs was simple typographical mistake and this mistake was corrected by giving an application on 17.07.2020 that due to typographical mistake, such recital was made in affidavit for getting connection transfer in his own

name. According to the learned counsel for the applicant, the act of the applicant does not amount to an act of cheating either with the complainant or with the Electricity Department because the applicant never wanted to cheat his aunt but it was only a bona fide mistake that he wrongly stated that his uncle did not leave any heirs.

4. On the other hand, learned counsel for the State opposes and submits that on the face of the affidavit of the applicant that case of forgery and cheating is made out because the deceased was his own uncle and it cannot be said that the applicant was not knowing about the legal representative of the deceased. It was only when report was lodged in Police Station on 17.07.2020, on that day, the applicant came in order to save himself with the statement that because of the typographical mistake, wrong affidavit was submitted.
5. Taking into consideration the submissions of learned counsel for parties, particularly taking into consideration that the applicant happens to be the nephew of the deceased and the deceased is survived by number of legal representatives and that application seeking correction of typographical mistake was filed only when FIR was lodged, present is not a fit case for grant of anticipatory bail.
6. Therefore, the application is rejected.

Sd/-

**(Manindra Mohan Shrivastava)
Judge**

Ravi