

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1259 of 2020

Santosh Kumar S/o Mahasingh, aged about 45 years, R/o Chainpur,
P.S: Dipka, Tahsil: Katghora, District: Korba Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh through Police Station: Dipka, District: Korba
Chhattisgarh

---- Respondent

For Applicant	: Mr. Arvind Dubey, Advocate.
For Respondent/State	: Mr. H.S. Ahluwalia, Dy. A.G.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

27.10.2020

1. The matter is heard through Video Conferencing.
2. The applicant has filed this First Bail Application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending his arrest in connection with Crime No.128/2020, registered at Police Station: Dipka, District: Korba (C.G.) for the offence punishable under Section 420, 467, 468 & 471 of IPC.
3. In this case the present Applicant is the son of Jai Prasad. Complainant Manmohan Singh is the step brother of the present Applicant. According to the case of prosecution, complainant namely Manmohan Singh made a complaint against present Applicant alleging therein that the present Applicant has sought employment by mentioning his father's name as Mahasingh in SECL, by using false and fabricated documents. On the basis of said report, offence has been registered.
4. Learned counsel appearing on behalf of the applicant submits that the applicant is falsely implicated in the present case. The Applicant is not

the biological son of Mahasingh, but he was adopted by Mahasingh and his wife when the present Applicant was 6-7 years old. At the time of seeking employment, Mahasingh and his relative have submitted nomination Form in SECL wherein, it was categorically mentioned that the present Applicant being son of Mahasingh is nominated for employment in SECL and they have also executed an Affidavit in this regard. The nomination of the present Applicant is verified by the Sarpanch of the village and other villagers and after verification, the same has been verified by the Halka Patwari and Tahsildar Katghora. The present Applicant has obtained employment according to the provisions of SECL, the complainant is the step brother of the present Applicant and their biological father has also died. After the death of their father, his mother resides with the present Applicant and his mother and the mother of the present Applicant is in a dispute with regard to family pension of their deceased father. The complainant has lodged the present complaint only to harass and torture the present Applicant. In the year 2005 also complainant has lodged the complaint before the Police Station: Dipka against the present Applicant with the same allegations and the police after preliminary inquiry have not registered any crime against the present Applicant. It is further submitted by counsel for the Applicant that in the year of 2016 also relative of Mahasingh have executed affidavits in which it was categorically mentioned that the Mahasingh and his wife have adopted the present Applicant and on the basis of land acquisition by SECL of land of Mahasingh, the applicant had sought employment in SECL. After adoption, the present Applicant legally used the name of Mahasingh as his father. In the Adhar Card, Pan Card and other documents of the present Applicant, the name of Mahasingh has been mentioned as father of the present Applicant. It is lastly submitted by counsel for the Applicant that from the material collected by the prosecution, no Prima Facie case is made out against the present Applicant under Section 420, 467, 468 & 471 of IPC, therefore, he prays for grant of anticipatory bail to the Applicant.

5. Per contra, learned counsel appearing on behalf of State opposes the bail application.

6. I have heard learned counsel for the parties.
7. Considering the facts and circumstances of the case, arguments advanced by the counsel for the parties and after going through the statement of Dharam Singh and other documents submitted by the counsel for the Applicant, further considering the fact that in the year 2005 also complaint was lodged by the complainant against present Applicant on same allegations and at that time police has not registered any crime against the present Applicant, without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicant.
8. Accordingly, the anticipatory bail application is allowed.
9. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:-
 - I. That the accused/applicant shall made himself available for interrogation before the concerned Investigating Officer as and when required;
 - II. The accused/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. The accused/applicant shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
 - IV. The applicant shall appear before the Trial Court on each and every date given to her by the said Court till disposal of the trial.

Sd/-

(Arvind Singh Chandel)
Judge