

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1647 of 2019

- Kaushal Kumar Sonkar S/o Shri Rajkumar Sonkar Aged About 36 Years, Constable General Duty Office Of The Superintendent Of Police Kanker District Kanker Chhattisgarh, Resident At Village Lalmatwada Post Kokpur District Kanker Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station House In Charge Supela District Durg Chhattisgarh.

---- Respondent

For Applicant	: Mr. Kaushal Kumar Sonkar, Applicant in Person.
For Respondent/State	: Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

30/01/2020

1. The applicant has filed this 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. 734/2019, registered at Police Supela, Distt. Durg (C.G.) for the offence punishable under Sections 420 of the IPC.
2. As per prosecution story, on 03.01.2011, the applicant who is an Ex-Constable of the 7th BNCAF Bhilai, District Durg (C.G.) had submitted a medical reimbursement claim for himself as well as for his wife amounting to Rs. 74,924.44/- before the office of Commandant 07 B.N. C.A.F. Bhilai, District Durg (C.G.). A preliminary enquiry was conducted by the Assistant Commandant in this regard, it was found that the applicant has submitted false and bogus medical claim thereby he committed a crime of cheating. On 31.07.2019, a written report has been lodged against the applicant,

on the basis of said written report, offence has been registered.

3. The applicant in person submits that he is innocent and has been falsely implicated in the crime in question due to some dispute with the Department's Officials. He further submits that prima facie no case of cheating can be made out against him because all the medical bills and prescriptions regarding purchasing of medicines are genuine. During departmental enquiry also, the concerned Doctor and Owner of medical shop have supported the case of the applicant and not stated anything against him. He further submits that the alleged incident is of the year 2011 and FIR has been lodged after 8 years i.e. in the year 2019. The applicant in person finally submits that he is a reputed person of his society, he is a permanent resident of above mentioned address and there is no chance of his absconding, therefore, he may be granted benefit of anticipatory bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by the parties and further considering the facts that the alleged incident is of the year 2011 and FIR has been lodged after 8 years i.e. in the year 2019. During departmental enquiry, the concerned Doctor and Owner of medical shop have supported the case of the applicant and not stated anything against him. Without further commenting on other merits of the case, I am inclined to grant anticipatory bail to the applicant.
7. Accordingly, the anticipatory bail application is allowed.
8. 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. 20,000/- 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 him by the said Court till disposal of the trial.

Sd/-

(Arvind Singh Chandel)
Judge