

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1690 of 2019**

- Uttar Kumar Bhoi, S/o Late Malik Ram Bhoi, Aged About 57 Years, R/o Khamharpali, P.S. Singhoda, District Mahasamund, Chhattisgarh.

---- Applicant**Versus**

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

---- Respondent

For Applicant : Shri Raghvendra Pradhan, Advocate.

For Respondent/State : Shri Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****22/01/2020**

1. The applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 109/2019 registered at Police Station Singhoda, District – Mahasamund, (C.G.) for the offence punishable under Sections 193, 420, 467, 468, 471 of Indian Penal Code.
2. As per the prosecution story, vide order dated 16.04.2018 passed by the Sub-Divisional Officer (Revenue), Saraipali, applicant was directed to deposit a sum of Rs. 10,000/- monthly as pension amount to one Surekha Bhoi. Against said order one Writ Petition (227) No. 394/2018 was preferred by the applicant before this Court and vide order dated 03.05.2018 this Court directed the applicant to deposit the remaining amount of Rs. 30,000/- in the account of Surekha Bhoi within four weeks. Applicant deposited Rs. 10,000/- and 20,000/- i.e. total Rs. 30,000/- on 25.05.2018. Thereafter, applicant submitted relevant documents before the Court of S.D.O. (Revenue), Saraipali. On being

inquired, it was found that no such transactions regarding depositing of amount had been done by the applicant as the said relevant documents were forged. On the basis of the above background, offence has been registered.

3. 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 *prima facie*, no case is made out against present applicant. Virtually, after the order passed by this Court, applicant has given Rs. 30,000/- to one Mayank Tiwari for transfer of said amount in the account of Surekha Bhoi because Mayank Tiwari use to run Grahak Sevak Kendra and Mayank Tiwari after receiving Rs. 30,000/- from the applicant, deposited the same in his State Bank's Account and thereafter, transfer it to his Punjab National Bank Account and by way of NEFT transferred Rs. 30,000/- in the account of Surekha Bhoi on 25.05.2018. Therefore, applicant believing the documents received from Mayank Tiwari, submitted the same before S.D.O. (Revenue), Saraipali. Subsequently, applicant could know that the transaction from State Bank to PNB was failed and resulted into transfer of Rs. 30,000/- to Surekha Bhoi was failed and therefore, applicant deposited Rs. 30,000/- on 02.06.2018, regarding the same Bank receipt dated 02.06.2018 is annexed as A-6. Thus, applicant has not committed the crime in question. Looking to the above, it is prayed that present applicant may be granted benefit of anticipatory bail.
4. Learned Counsel appearing for the State and Objector oppose the bail application. However, Counsel for Objector admits the fact that amount has already been deposited by the applicant into the account of Surekha Bhoi.
5. I have heard learned Counsel appearing for the parties and perused the material available with due care.
6. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution and further considering the fact that

amount has already been deposited by the applicant into the account of Surekha Bhoi, therefore, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicant.

7. Accordingly, the anticipatory bail application is allowed.
8. 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 his 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 by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
Judge