

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No. 1727 of 2019**

1. Gauri Sahu, W/o Kamlesh Sahu Aged About 33 Years R/o Village Putpura, Kasdol, Baloda Bazar, District Baloda Bazar-Bhatapara, Chhattisgarh.
2. Kamlesh Sahu S/o Mohanlal Sahu Aged About 40 Years R/o Village Putpura, Kasdol, Baloda Bazar, District Baloda Bazar Bhatapara Chhattisgarh.

**---- Applicants****Versus**

- State of Chhattisgarh Through Police Station Kasdol, District Baloda Bazar Bhatapara Chhattisgarh.

**---- Respondent**

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| For Applicants       | : Shri Manoj Paranjpe, Advocate. |
| For Respondent/State | : Shri Alok Nigam, G.A.          |

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**Hon'ble Shri Justice Arvind Singh Chandel**  
**Order On Board****17/01/2020**

1. The applicants are apprehending their arrest through first bail application filed under Section 438 of Cr.P.C. in connection with Crime No. 654/2019 registered at Police Station Kasdol, District Baloda Bazar-Bhatapara, (C.G.), for the offence punishable under Section 420, 467, 468, read with Section 34 of IPC.
2. In the present case, applicant No.1 is the *Sarpanch* of Gram Panchayat Putpura and applicant No.2 is the husband of applicant No.1. As per the prosecution story, it is alleged that two pit passes bearing No. 8858301 to 8858500 (two books) were issued for drawing the illegal benefits. Allegedly, book of pit pass bearing No. 8853001 to 8853100 were deposited in the Mining Department by putting the forge seal and signature and thereby caused loss to the Gram Panchayat. On the basis of the said, offence has been registered.
3. Learned Counsel appearing for the applicants submits that the

applicants are innocent and have been falsely implicated in the present case. He further submits that as per the Resolution of Gram Panchayat dated 25.09.2017, Ajay Kumar Sharma and Dinesh Chandrawanshi were authorized for excavation of sand from Mahanadi River for one year, subsequently, as per the Resolution dated 31.10.2017, they were also authorized for issuance of pit pass for transportation of said excavated sand. Thus, if any forged pit pass has been issued, then it has been done by them only. He further submits that there is nothing on record on the basis of which it can be *prima facie*, established that present applicants have played any role in issuance of said pit pass. Thus, *prima facie*, no case is made out against them. Therefore, it is prayed that applicants may be granted benefit of anticipatory bail.

4. Learned Counsel appearing for the State opposes the bail application.
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 and considering the facts and circumstances of the case, evidence collected by the prosecution, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicants.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest of the applicants in connection with the aforesaid crime, they shall be released on anticipatory bail on each of them 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. They shall also abide by all the following terms and conditions :
  - (i) They 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 from disclosing such fact to the

Court,

- (ii) They shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) They shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

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