

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1655 of 2019**

- Joyidha Tarak S/o Late Shri Shravan Tarak Aged About 44 Years R/o Village Sunderkera, Police Station Gobra Navapara, Tahsil Abhanpur, Civil and Revenue District Raipur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Officer-In-Charge, Police Station Gobra Navapara, District Raipur, Chhattisgarh.

---- Respondent**AND****MCRCA No. 1756 of 2019**

1. Dauvaram Patel, S/o Late Shri Bharat Ram Patel Aged About 48 Years R/o Village Sundarkera, Police Station Gobra Navapara, Tahsil Abhanpur, District Raipur, Chhattisgarh.
2. Natthuram Sahu S/o Shri Faguva Ram Sahu Aged About 47 Years R/o Village Sundarkera, Police Station Gobra Navapara, Tahsil Abhanpur, District Raipur, Chhattisgarh.

---- Applicants**Versus**

- State of Chhattisgarh Acting Through Officer In Charge Police Station Gobra Navapara, District Raipur, Chhattisgarh.

---- Respondent

For Applicants	: Shri K.A. Ansari, Sr. Advocate with Shri Ramesh Nayak, Advocate.
For Respondent/State	: Shri Alok Nigam, G.A.
For Objector	: Shri UKS Chandel, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

17/01/2020

1. Both cases arise out of same crime number, therefore, they are being decided by this common order.

2. The applicants have preferred this first bail applications filed under Section 438 of Cr.P.C. for apprehending their arrest in connection with Crime No. 388/2019 registered at Police Station Gobra Navapara, District Raipur, (C.G.), for offence punishable under Sections 466, 467, 468 and 34 of I.P.C.
3. As per the prosecution story, applicants No. 1 & 2 (MCRCA No. 1756/2019) are *Up-Sarpanch* and *Panch* respectively of village Sunderkera. Applicant No.2 Natthuram Sahu is the husband of *Sarpanch* Sushila. At the time of incident, applicant Joyidha Tarak (MCRCA No. 1655/2019) was posted as the Mate. On 03.06.2019, Chief Executive Officer, Janpad Panchayat Abhanpur made a written complaint before Police Station along with the inquiry report dated 04.08.2016 and letter dated 13.05.2019 sent by Chief Executive Officer, Jila Panchayat Raipur to Chief Executive Officer, Janpad Panchayat, Abhanpur, upon which offence has been registered against the applicants. As per the contention of the complaint, the deepening of Maa Karma Talab was executed between 06.04.2016 to 19.04.2016 but in the muster roll, the names of persons (total 19 persons) who were not engaged in execution of work, were also included and the false signatures of *Sarpanch* of village Sunderkera was scribed. Thus, the applicants committed crime in question.
4. Learned Counsel appearing for the applicants submits that the applicants are innocent and have been falsely implicated in the present case. With regard to applicant Joyidha Tarak, learned Counsel submits that there is no material available on record on the basis of which it can be said that at the relevant time, applicant Joyidha was posted or appointed as Mate. As per annexure A-2 and A-3, name of applicant Joyidha was entered in the register as labourer, thus, allegation made against Joyidha that he was a mate at the relevant time is *prima facie*, not established. With regard to applicants in MCRCA No. 1756/2019, learned Counsel submits that according to the case of the prosecution, names to these applicants were mentioned as labourers in the muster roll but there is nothing on record on the basis of which it can be *prima facie*, established that

those said entries had been made by present applicants in the register. Thus, *prima facie*, no case is made out against them. It is further submitted that, there is also nothing on record on the basis of which it can be *prima facie* established that the said forged signature of Sarpanch Sushila had been done by them. Also, the incident had occurred in the year 2016 and F.I.R. has been lodged on 13.09.2019. Looking to the above, it is prayed that applicants may be released on anticipatory bail.

5. Learned Counsel appearing for the State and Objector oppose the bail application. They jointly submit that according to the statement of Sarpanch Sushila, the signature scribed in the muster roll does not belong to her. Thus, it is clear that signature of the Sarpanch scribed in the muster roll is forged. Therefore, the specimen signature of the applicants may be obtained after taking them into custody and thereafter, expert opinion may be produced regarding the same. Looking to the above, anticipatory bail applications of the applicants should be rejected.
6. I have heard learned Counsel appearing for the parties and perused the material available with due care.
7. 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 particularly considering the fact that incident occurred in the year 2016 and F.I.R. has been lodged on 13.09.2019, also no material is available against applicant Joyidha Tarak that at the relevant time he was posted as Mate, therefore, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicants.
8. Accordingly, both the anticipatory bail applications are allowed.
9. 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 may 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.
- (iv) They shall appear before the concerned Investigating Officer within **four weeks** and provide their specimen signature to him/her.

10. It is made clear that on non-compliance of any of the conditions imposed above shall lead to dismissal of anticipatory bail applications automatically.

Sd/-
(Arvind Singh Chandel)
Judge