

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 2009 of 2019

Tribhuwan Singh Thakur S/o Shri Dev Singh Thakur Aged About 66 Years Caste Kshatriye, R/o Janakpur Ward Tikrapara, Kanker, District North Bastar Kanker, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Kanker, District- North Bastar Kanker, Chhattisgarh.

---- Respondent

AND

MCRCA No. 1907 of 2019

Ramnivas Agrawal S/o Late Shri Jodhraj, Aged About 76 Years R/o Subhash Ward Kanker, Tahsil And District North Bastar Kanker Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Police Station Kanker, District - North Bastar Kanker Chhattisgarh.

---- Respondent

For Applicant (In MCRCA No.2009/2019) :Mr. Sandeep Shrivastava, Advocate.
For Applicant (In MCRCA No.1907/2019): Mr. Abhishek Pandey, Advocate.
For Respondent/State : Ms. Hamida Siddiqui, Dy. A.G.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

26/02/2020

1. Since, the above bail applications arise out of same crime number, therefore, they are being decided by this common order.
2. The applicants have filed these bail applications for grant of anticipatory bail under Section 438 of the Cr.P.C. as they are apprehending their arrest in connection with crime no. 395/2019, registered at Police Station

Kanker, Distt. North Bastar, Kanker (C.G.) for the offence punishable under Sections 420, 465, 468, 120-B & 34 of the IPC.

3. As per prosecution story, on 01.11.2019, complainant/CMO Kanker lodged FIR to the effect that in the year 2004, Municipal Corporation issued notice for inviting tender for various shops including Shop No. C-49 & A-19 which were reserved for disabled persons situated at Priyadarshini Commercial Complex, Kanker (C.G.). Applicant Ramnivas Agrawal has submitted an application for allotment of the shops on behalf of one Rishi Kumari. Later on the said shops for disabled persons have been allotted to him but he was failed to submit disability certificate of Rishi Kumari. Allegedly, co-accused Umashankar Singh and applicant Tribhuwan Singh who were the Clerk in Municipal Corporation had fraudulently allotted the said shops to applicant Ramnivas Agrawal, thereby, they have committed a crime in question.
4. Learned counsel appearing on behalf of the applicants submit that the applicants are innocent and have been falsely implicated in the present case. Prima facie no offence can be made out against the applicants. They further submit that the FIR has been lodged only on the basis of judgment of Civil Court. Alleged incident is of the year 2009 and the FIR has been lodged after 10 years. The order which has been passed by the Civil Court, against that order an appeal has already pending. The Counsel further submit that with regard to applicant Tribhuvan, no such material available on record against him. No role has been played by him in the crime in question. Hence, it is prayed that the applicants may be granted benefit of anticipatory bail.
5. Per contra, learned counsel appearing on behalf of State opposes the bail applications.
6. I have heard learned Counsel for the parties.
7. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and further considering the fact that there is delay of 10 years in lodging the FIR and the order which has been passed by the Civil

Court, against that order an appeal has already pending. Without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicants.

8. Accordingly, the anticipatory bail applications are allowed.
9. It is directed that in the event of arrest, the applicants shall be released on bail on each of them 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 them and they shall abide by all the following terms and conditions:-
 - I. That the accused/applicants shall made themselves available for interrogation before the concerned Investigating Officer as and when required;
 - II. The accused/applicants 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/applicants shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
 - IV. The applicants 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