

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 2004 of 2019

- Anil Kumar Bhargav S/o Vyas Narayan Aged About 33 Years R/o Shanti Nagar, Post Chaitma, P. S. Pali, Tehsil Pali, District Korba, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Deepka, District Korba, Chhattisgarh.

---- Respondent

For Applicant	: Shri Sandeep Yadav, Advocate.
For Respondent/State	: Shri Alok Nigam, G.A. and Ms. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

03/03/2020

1. The Applicant is apprehending his arrest in connection with Crime No. 204/2019 registered at Police Station - Deepka, District – Korba, (C.G.) for the offence punishable under Sections 468, 471 of the Indian Penal Code.
2. As per the prosecution story, on 09.10.2019 vehicle No. CG 04 GB 8721 and MP 20 GB 1329 were stopped at Shramik Chowk C.I.S.F. barrier under the Gevra Project Deepka, by the Officers of C.I.S.F. and their get passes were checked. During checking, it was found that in vehicle pass of serial number 832, permission of only 3 vehicles were granted by the competent authority in which vehicle bearing registration No. CG 04 GB 8721 was not included but for the purpose of cheating and forgery fraudulently permission of entry of the 4th vehicle was made in the concerned vehicle pass and tried to make unauthorized entry of vehicle No. CG 04 JB 8721. it is further alleged

that likewise, in the serial number 2093, unauthorized entry of vehicle bearing registration no. MP 20 GB 1329 was tried to make. Driver of the said vehicle namely Mohan Singh tried to make entry of the vehicle. When he was caught, he tried to run away from the spot by driving the vehicle in a rash and dangerous manner. Thereafter, the matter was reported. During course of investigation, driver Mohan Singh disclosed the fact that he has received the forged gate pass from the present applicant. On the basis of the said, offence has been registered against applicant.

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. Original gate pass number 2093 was issued for vehicle No. MH 04 HY 1902 and thereafter, driver Mohan Singh used the said gate pass in the forged manner and used to run vehicle bearing registration no. MP 20 GB 1329. Virtually, main culprit is the driver against whom the case has to be registered. He further submits that present applicant has not done any type of manipulation in the gate pass. Applicant has only been implicated on the basis of statement of the driver Mohan Singh. Looking to the above, it is prayed that present applicant 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, 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 applicant.
7. Accordingly, the 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 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 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