

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 112 of 2021**

- Pawan Kumar Komarra, S/o Shri Ghasiram Komarra, Aged About 64 Years R/o Kuderadadar, Police Station Piparchedi District Gariaband Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh, Through Police Station - Mainpur, District Gariaband Chhattisgarh.

---- Respondent

For Applicant	: Mr. Pragalbh Sharma, Adv.
For Respondent/State	: Mr. B.P. Banjare, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****21.06.2021**

1. Proceeding through video conferencing.
2. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicant who is apprehending his arrest in connection with Crime No. 01/2021 registered at Police Station- Mainpur, District Gariaband (C.G.) for commission of the offence punishable under Sections 420, 467, 468, 471, 34 of the IPC.
3. As per the prosecution case, the allegation against the present applicant is that he along with co-accused person created fabricated government documents and wrongfully gained on government schemes on the basis of the alleged documents.
4. Learned counsel for the applicant submits that the present applicant is innocent and has been falsely implicated in this case. He further contended that the applicant has been retired two years ago and, at the time of incident i.e. 1994-95, the present applicant was not posted as *Patwari*. Referring to Annexure A/2 he would further argue that the applicant is undergoing treatment for tuberculosis. All the offence is triable by JMFC, therefore, he may kindly be granted anticipatory bail.

5. On the other hand, counsel for the State opposes the application for anticipatory bail.
6. After hearing counsel for the parties and considering the facts and circumstances of the case, this Court is of the considered opinion that it is a fit case to grant anticipatory bail to the applicant. Accordingly, the application is allowed.
7. It is directed that in the event of arrest of the applicant in connection with aforesaid crime number, he shall be released on bail on his furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the concerned arresting/ investigating officer or the Court concerned, as the case may be, with the following terms and conditions:
 - (i) that the applicant shall make himself available for interrogation before the concerned investigating officer as and when required.
 - (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts or the case as to dissuade him/her from disclosing such facts to the Court or to any police officer;
 - (iii) that the applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Rajani Dubey)
Judge

V/-