

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. (A) No. 143 of 2021

- Bajranglal, S/o Radhelal, aged about 53 years, R/o Village- Dudga, Thana/Tahsil- Katghora, Distt.- Korba (C.G.).

---- Applicant

Versus

1. The State of Chhattisgarh, Through District Magistrate, District- Korba (C.G.).
2. Puniram S/o Late Bhujbal, aged about 70 years, R/o Village- Dudga, Thana/Tahsil- Katghora, Distt.- Korba (C.G.)
(Complainant)

---- Non-applicants

For Applicant	: Mr. Samir Singh, Advocate
For State	: Mr. Gurudev I. Sharan, Govt. Advocate
For Respondent No. 2	: None appeared though served

S.B. Hon'ble Shri Justice Narendra Kumar Vyas

Order On Board

08/07/2021

Heard.

1. Applicant has filed this bail application under Section 438 of the Cr.P.C. apprehending his arrest with Crime No. Nil (wrongly mentioned in order sheet, it is a complaint case) for the offence punishable under Sections 420, 467, 468 of IPC.
2. Case of the prosecution, in brief, is that complainant – Puniram is owner of the land bearing Khasra No. 169/3 situated at village Junadih, Tahsil Katghora; and his land was acquired by South Eastern Coalfields Limited, Gevra Project. It is alleged that on behalf of the aforesaid land, the present applicant has obtained service in the SECL by committing forgery. Based on this, the complainant has filed complaint case before Judicial Magistrate,

First Class, Katghora on 4.8.2015 and pursuant to which on 18.11.2019 the case was registered against the applicant under Sections 420, 467 & 468 of the Indian Penal Code.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in the case as the applicant has obtained service in the SECL as land bearing Khasra No. 169/16 has been taken over by the SECL and he has been working in the SECL since 1997 whereas complaint has been made in connection with the land bearing Khasra No. 169/3. He would further submit that if the applicant is arrested, the employer may terminate him from services and that will cause irreparable loss to him and, therefore, it is prayed that the applicant be extended the benefit of Section 438 of the Code of Criminal Procedure.
4. On the other hand, learned counsel for the State opposed the bail application by submitting that applicant is not entitled to get benefit of anticipatory bail as the learned Sessions Judge has already given protection to the applicant to the effect that if in pursuance of bailable warrant issued against the applicant, he will appear before the trial Court, then he can be released on bail, therefore, there is no case for grant of anticipatory bail to him.
5. I have heard learned counsel for the parties.
6. Perusal of the complaint made by complainant would show that as per version of the complainant, his land bearing Khasra No. 169/3 has been taken over by the SECL Management *whereas* according to the applicant the land bearing Khasra No. 169/16 has been acquired by the SECL and he has obtained the job in the SECL as they have taken over the land i.e. the land bearing Khasra No. 169/16. The issue involved in this case is a matter of trial and it requires consideration on the basis of evidence adduced by the parties, material available by the prosecution in that behalf and the trial is likely to take time for its conclusion. Furthermore, if the applicant will be sent behind the bar, it will be caused great loss to the applicant as he may lose his employment which will not only harm to the applicant but his family members, therefore, looking to the facts and circumstance of the case, I am of the view that applicant should be extended the benefit of Section 438 of

the Cr.P.C.

7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. The applicant shall also abide by the following conditions:

- (i) That the applicant shall make himself available for interrogation before the 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 of the case so 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/-
(Narendra Kumar Vyas)
Judge