

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1095 of 2021

- Rajesh Kumar Rathore (Advocate) S/o Late Shri Bhagwat Prasad Rathore Aged About 42 Years R/o Tower Mohalla, P. S. Pali, District Korba Chhattisgarh, District : Korba, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Pali, District Korba Chhattisgarh, District : Korba, Chhattisgarh

---- Non-Applicant

For Applicant	:	Shri Devarshi Thakur, Advocate
For Non-Applicant /State	:	Shri Dinesh Tiwari, Dy. G.A.

Hon'ble Justice Shri Gautam Chourdiya
Order on Board

24/02/2021

1. Heard on I.A.No.1/2021 to delete the paragraphs numbered at ground No.6 i.e. -b, f, g, i, j, k & l in the petition.
2. On due consideration, the application is allowed and learned counsel for the applicant is directed to delete the above mentioned grounds in the petition during the course of the day.
3. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested on 26.10.2020 in connection with Crime No.161/2020, registered at Police Station- Pali, District-Korba(C.G.) for the offence punishable under Sections 120(b), 34, 193, 419, 420, 468, 469, 471 of the IPC.
4. Case of the prosecution, in brief, is that the present applicant Rajesh Kumar Rathore, who is an advocate by profession, with his senior Kamlesh Sahu, Advocate, argued for grant of bail to accused Pawan Kumar Shrivastav and Jameer Ahmad who were arrested in

connection with Istgasa No.05/2020 for the offence under Section 41(1-4) of CrPC read with Section 379 of IPC and they were granted bail by the Judicial Magistrate First Class, Pali. However, for the purpose of furnishing surety for release of the said accused on bail, the present applicant obtained Rin Pustika of Late Itwarabai from her daughter Mantorabai and impersonated said Mantorabai as Itwarabai and fraudulently got her identified as Itwarabai through Kunwariyabai, who is a relative of Mantorabai. When the Court demanded Adhar Card of said Itwarabai, the applicant kept on circumventing and giving false assurance of submitting the same. When the Court ordered for enquiry as to the surety, the present applicant out of fear of being exposed, replaced the photo of Mantorabai submitted for the purpose of bail from the Court records with one of his client's photo namely Smt. Nirmala Shyam, who had given her photo to him for insurance claim against the death of her husband in a road accident. Based on this, an offence was registered and the applicant was taken into custody.

5. Learned counsel for the applicant submits that the allegations against the applicant are false and fabricated and he has been falsely implicated in the case. He submits that the applicant is a practicing lawyer and he is practicing at Pali. He submits that the co-accused Mantorabai has been released on bail by the co-ordinate Bench of this Court in MCRC No.6226 of 2020 vide order dated 6.1.2021; charge sheet has been filed and there is no likelihood of the applicant tampering with the evidence or absconding. He further submits that the applicant is in jail since 26.10.2020 and conclusion of trial is likely to take some time, therefore, at this stage, he may be granted bail.
6. On the other hand, learned counsel for the Non-Applicant/State opposes prayer for grant of bail and submits that three more cases are registered against the applicant.
7. Considering the totality of the facts and circumstances of the case, the nature of allegations against the applicant and the fact the applicant is aged about 42 years and he is a practicing lawyer; the detention period and there is no likelihood of the applicant tampering with the evidence or absconding as admitted by both the counsel; and conclusion of trial

is likely to take some time, without further commenting on merits, I am inclined to grant bail to the applicant.

8. Accordingly, the bail application is allowed.
9. It is directed that in the event of the applicant executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs. 25,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail on following conditions:-
 - (a) 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.
 - (b) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - (c) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
 - (d) he shall not involve himself in any offence of similar nature in future.

Sd/-
(Gautam Chourdiya)
Judge