

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6636 of 2021**

- Prashant Diwan @ Banti Diwan @ B.D., S/o Shri Sanat Diwan, aged about 38 Years, R/o Geeta Nagar, Bhanpuri, Police Station Khamtarai, Raipur, Tahsil and District- Raipur, Chhattisgarh.

----Applicant**Versus**

- State of Chhattisgarh, Thorough Station House Officer, Police Station Khamtarai, District- Raipur, Chhattisgarh.

----Non-applicant

For Applicant	Shri Syed Imtiaz Ali, Advocate.
For State	Shri Anand Verma, Deputy G.A.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

25/10/2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.411/2021 registered at Police Station- Khamtarai, District Raipur, C.G. for the offence punishable under Sections 420, 467, 468, 471, 34 of Indian Penal Code.
2. As per the prosecution case, complainant Pancham Singh Gaud, Transport Inspector, lodged the complaint alleging that the applicant for the purpose of renewal of fitness of various vehicles submitted form 38(A) along with physical verification report to the Transport Office, Korba. When the said documents were sent for verification on 06.07.2021, the Transport Office, Korba through its letter 07.07.2021 informed that form 38(A) has not been issued by the Transport Officer,

Korba and the documents submitted by the applicant are forged and fabricated.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this crime. He submits that applicant is an agent of R.T.O and form 38(A) was never submitted in R.T.O, Korba. Applicant was arrested on 16.07.2021, charge sheet has already been filed and conclusion of trial is likely to take some time. Therefore, he may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application. However, he submits that the applicant has two criminal antecedents bearing Crime No.462/2011 for the offence under Sections. 147 & 437 of IPC and Crime No. 413/2017 for the offence under Sections 341 & 147 of IPC.
5. Heard learned counsel for the parties.
6. Considering the facts and circumstances of the case, the nature of allegation made against the applicant, the detention period of the applicant, who is 38 years old, charge sheet has been filed, the medical papers of the applicant which have been verified by the State counsel showing him to be suffering from various diseases i.e. T.B., Liver and Ashtma and there is no likelihood of the applicant tampering with the evidence or absconding as admitted by both the counsel and conclusion of trial may take some time, the application is allowed. It is directed that in the event of applicant executing a personal bond for a sum of Rs.2,00,000/- with two sureties of Rs.1,00,000/- each to the satisfaction of the concerned trial Court, he shall be released on bail on the following 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.
- (iv) he shall strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
- (v) he shall not involve himself in any offence of similar nature in future.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicant involving himself in any offence in future.

Sd/-
Gautam Chourdiya
Judge

Akhilesh