

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRCA No. 1057 of 2021**

- Mohd. Mazhar Hussain S/o Mohd. Sajjad Hussain, aged about 51 years, R/o 23-1, 954/4, Near Mugalpura water tank, Mugalpura, Charminar, Hyderabad, Distt. Haidrabad Telegana

-----Applicant**VERSUS**

- State of Chhattisgarh through: Police station Lalbagh, District Rajnandgaon, Chhattisgarh

-----Non-applicant

For Applicant	: Mr. Samir Singh, Advocate.
For Non-applicant- State	: Mr. Vimlesh Bajpai, Govt. Adv.

Hon'ble Shri Parth Prateem Sahu, Judge**ORDER ON BOARD****08/09/2021**

1. Applicant has preferred this application under Section 438 of CrPC for grant of anticipatory bail as he apprehends his arrest in connection with Crime No. 153/2017 registered at Police Station Lalbagh, District- Rajnandgaon (C.G.) for the offence punishable under Section 420, 467, 468, 471/34 of IPC.
2. As per the case of prosecution, a report was lodged by complainant Vishal Manekar who is employee of Reliance General Insurance Co. Ltd. mentioning therein that against the motor accidental death of Suresh Sahu in crime number 58/2016, a claim case was filed before the Claims Tribunal seeking compensation. Complainant, employee of Insurance Company, appeared on notice and found that copy of insurance policy produced by Mohd. Mazhar Hussain (present applicant) to be forged and fabricated. Based on the written report, aforementioned crime was registered against applicant.
3. Mr. Samir Singh, learned counsel for the applicant would submit that applicant was registered owner of truck bearing registration number AP23Y8850 which was sold by him in the year 2015 to Sanjay Gupta resident of Rajnandgaon. At the time of sale of truck, Sanjay

Gupta was informed that there is no insurance policy of truck. Accident with the truck took place when co-accused Sanjay Gupta was using the truck being an owner. After accident Sanjay Gupta by impersonating one Vijay Chorasaya to be Mohd. Mazhar (registered owner of truck) has submitted copy of RC, permit and insurance policy before the police and on that basis took custody of truck. Offence if committed by producing forged and fabricated insurance policy is by Sanjay Gupta and applicant is not involved in commission of alleged offence in any manner. He submits that on notice issued by concerned police station, applicant appeared in police station and narrated correct fact that applicant at the time of sale of truck had intimated the purchaser/ Sanjay Gupta that there is no insurance policy of truck. Applicant is not absconding but appeared on notice sent to him by police.

4. On the other hand, Mr. Vimlesh Bajpai, learned State counsel opposes the submissions made by learned counsel for the applicant and submits that applicant is the registered owner of the truck of which forged and fabricated insurance policy was produced before the police and also before the Claims Tribunal in the proceedings for grant of compensation. Officer of insurance company has pointed out with regard to forged and fabricated insurance policy and lodged report. However, upon putting specific query with regard to role played by applicant and involvement of applicant in the crime, he submits that in statement of one Savita Verma (head-constable) posted at Police station Lalbag, she stated that co-accused Vijay Chourasiya has visited police station for submission of documents of truck and memorandum statement of Sanjay Gupta, it has come that forged and fabricated policy was prepared by co-accused Sanjay Gupta through Harpreet Singh Bhatia. It has also come that the custody of truck was taken by Vijay Chourasiya impersonating him to be Mohd. Mazhar Hussain.
5. I have heard learned counsel for the respective parties.
6. Taking into consideration, the nature of allegations, the submissions made by learned counsel for applicant as well as learned State counsel based on the statement recorded under Section 161 of CrPC of head-constable Savita Verma and also the memorandum statement of Sanjay Gupta, without commenting anything on merits of the case, I

am inclined to allow the bail application.

7. Accordingly, application is allowed and it is directed that in the event of arrest of applicant in connection with the crime in question (153/2017), he shall be released on anticipatory bail by the Officer arresting him on his executing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the concerned arresting Officer. Applicant shall also abide by the following conditions:

- (i) that the applicant shall make himself available for interrogation before the Investigation 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/-
(Parth Prateem Sahu)
Judge