

(2018) 12 CHH CK 0106

Chhattisgarh High Court

Case No: Miscellaneous Criminal Case (MCRC) No. 8820 Of 2018

Amit Singh Thakur

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision: Dec. 19, 2018

Acts Referred:

- Code Of Criminal Procedure, 1973 - Section 439
- Indian Penal Code, 1860 - Section 34, 120B, 211, 420, 467, 468, 471, 472

Hon'ble Judges: Gautam Chourdiya, J

Bench: Single Bench

Advocate: Rajeev Shrivastava, Anil Pillai

Final Decision: Allowed

Judgement

Gautam Chourdiya, J

This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been

arrested in connection with Crime No. 829/2018, on 16.10.2018, registered at Police Station- Civil Line, Bilaspur, District- Bilaspur for the offence

punishable under Sections 120B, 211/34, 420, 467, 468, 471, 472 of Indian Penal Code.

Allegation made against the accused/applicant Amit Singh Thakur is that he executed an agreement on 20.5.2015 and based on that, transaction of

Rs.40.20 lacs was made. According to the office of Treasury it appears that the document in question was issued on 31.8 2015 and the same was

executed on 20.5.2015. The applicant is alleged to have committed forgery of documents to create right on the property in dispute. On the written

complaint being made to this effect by complainant Arun Singh, offence as mentioned above was registered against the applicant under Crime

No.829/18 at Police Station - Civil Lines, Bilaspur.

Learned counsel for the applicant submits that the accused/applicant has been falsely implicated, he also filed complaint against Vaibhav Jain, Page

No.2 Vimal Jain and Arun Singh but no FIR was registered against them. Thereafter the applicant filed a petition i.e. WP(CR) No.462/18 in which

vide order dated 13.8.2018 this Court directed the concerned police authorities to register FIR and complete investigation at the earliest, however, no

action has been taken pursuant to the above order of this Court by the police authorities. As per Annexure A/1, 6 th Additional Sessions Judge,

Bilaspur also directed to Superintendent of Police, Bilaspur for taking appropriate action in compliance of the order of this Court. He further submits

that dispute between the parties is of civil nature, however, the complainant has deliberately given it criminal colour by misrepresentation of facts and

taking undue advantage of he being an influential person.

On the other hand, learned State counsel opposes the bail application.

Heard both the parties and perused the case diary.

Considering the facts and circumstance of the case, the nature of dispute between the parties, the order dated 13.8.2018 of this Court in WPCR No.

462/2018 and the order of Annexure A/1 of Additional Sessions Judge, without commenting anything on merits of the case, this Court is of the opinion

that present is a fit case to grant bail to the applicant. Accordingly, the application is allowed.

It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.2 lacs with two sureties in the like sum to the

satisfaction of the concerned trial Court, for his appearance as and when directed.