

M. Cr. C. No.18858/2017

31/10/2017

Mr. Nitin Bhati, learned counsel for the applicant.

Ms. Nidhi Bohra, learned Government Advocate for the respondent / State.

Heard on the question of grant of bail.

This is the first application filed by the applicant under Section 438 Cr.P.C. for grant of anticipatory bail.

The applicant is apprehending his arrest for offence/s punishable under Section 420, 467, 468, 471 and 409 of the IPC registered with Police Station Rajgarh at Crime No.525/2017.

As per prosecution case on 09/10/2017 a complaint has been lodged by the Executive Engineer, Water Resources Department that two items R.S. Joint and H.S. Beam are missing from the project site. They were handed over to the applicant and the applicant has submitted a false acknowledgment issued by the Sub Divisional Officer dated 20/07/2016 that two items have been returned and in those circumstances a criminal case has been registered against the present applicant.

Learned counsel for the applicant has argued before this Court that the applicant has lodged a complaint against the officers of the department that they were demanding bribe and he was subsequently black listed by the department and the order blacklisting of the petitioner has been set aside by this Court in Writ Petition No.33/2017 *vide* order dated 02/08/2017. The matter has been remanded back. The Chief Engineer, Water Resources

Department after setting aside the order of blacklisting, petitioner after being unsuccessful has now lodged a FIR on 09/10/2017.

On the other hand, learned counsel for the State has opposed the application for grant of anticipatory bail and his contention is that applicant has submitted forged documents and therefore, a criminal case has been registered against the present applicant. She has read out the statements available in the case diary.

After hearing the learned counsel for the parties and on consideration of the facts and circumstances of the present case but without commenting on merits, at this stage, I find it to be a fit case for grant of anticipatory bail to the applicant.

Accordingly the bail application is allowed and it is directed that in the event of the applicant's arrest, the applicant be released on bail on furnishing a bail bond of **Rs.1,00,000/- (Rs. One Lac Only)** with one surety of the like amount to the satisfaction of Station House Officer of the Police Station concerned. The applicant would abide by the conditions mentioned in Section 438(2) Cr.P.C.

Certified copy as per rules.

(S. C. SHARMA)  
J U D G E

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