

SUPREME COURT OF INDIA

Anwar Ali

Vs.

State of Chhatisgarh

Crl.A.No.1449 of 2008

(R.V.Raveendran and Lokeshwar Singh Panta JJ.)

10.09.2008

ORDER

1. Leave granted.

2. This appeal is directed against the order dated 21.11.2007 passed by the High Court of Chhatisgarh at Bilaspur in M. Crl. C. No.1991/2007. By the impugned order, the High Court rejected the application of the appellant for grant of bail filed under Section 439 of the *Code of Criminal Procedure* in Crime No. 327/2007 registered in Police Station, Durg, for offences punishable under Sections 420, 467, 468 and 471 read with Section 34 of the *Indian Penal Code*. The allegations against the appellant and other accused are that on 17.03.2007 the police officials of Thana searched the vehicle bearing Registration No. C.G. 07-M-9211 at Tax Naka, Kumhari, and enquired from the appellant about the Registration Certificate book and other papers of the said vehicle. After checking the vehicle, it was found that the engine number and chassis number mentioned in the R.C. book did not tally with the number bearing on the engine and chassis of the vehicle. The Police made enquiry from R.T.O. and came to know that the said vehicle, i.e. Wagon-R, was not registered with the R.T.O. During investigation, it was found by the Police that the documents in question were forged and the same are prepared by co-accused, namely, Bunty @ Shahid, who is an agent of the R.T.O. On 14.06.2007, the Police arrested the appellant on the allegation that the appellant used the forged documents as genuine and since then he is confined to jail.

3. The appellant filed an application for bail under Section 439 of the Code of Criminal Procedure before the High Court of Chhatisgarh, which came to be dismissed on 21.11.2007. Now, the appellant is before this Court seeking bail in the aforesaid case.

4. The order of the High Court reveals that one Unush Ali purchased a car bearing Registration No. AP 13F 6082 and handed over the papers to the appellant, who is nephew of Unush Ali, for getting the Registration Certificate from R.T.O., Durg. The appellant was driving the vehicle when it was directed to be stopped by Shri Moh. Jalaluddin, A.S.I., Crime Squad, Durg. During interrogation, it was found that the chassis number indicated on the Registration Certificate did not tally with the chassis number of the vehicle. Subsequently, it

was discovered that the Registration Certificate possessed by the appellant was a forged document. On these premises, the High Court rejected the bail application of the appellant.

5. We have heard learned counsel for the parties. It is not in dispute that Unush Ali, who is uncle of the appellant, is the owner of the car, which was handed over to the appellant for getting the Registration Certificate from the R.T.O., Durg. The Registration Certificate and other papers of the car were handed over by Unush Ali to the appellant. It is not in dispute that co-accused Bunty @ Shahid, who is said to be an agent of the R.T.O., has been granted bail by the High Court on 01.10.2007. The evidence collected by the Investigating Officer against the appellant and Bunty @ Shahid is identical. The appellant is in jail since 14.06.2007. The learned counsel for the State was not in a position to state in regard to the progress and stage of the trial of the case registered against the appellant and co-accused. The custody of the appellant is not required by the Investigating Officer for further interrogation.

6. In the facts and circumstances of the case, we are of the view that it is a fit case where the appellant deserves to be released on bail and we, accordingly, order his release subject to the following conditions:-

“(i) The appellant shall furnish personal bond in the sum of Rs.10,000/- with one solvent surety to the satisfaction of the trial court.

(ii) The appellant shall make himself available for interrogation as and when he is so directed by the Investigating Officer by sending written Hukumnama to him.

(iii) The appellant shall not directly or indirectly make any inducement, promise or threat to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court.

(iv) The appellant shall remain present during the trial of the case on every date of hearing, save and except, if otherwise directed by the trial court.”

7. In the result, the appeal is allowed in the aforesaid terms and conditions.