

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 369 Of 2015

Inderjeet Singh S/o Surendar Singh Kakkad Aged About 40 years R/o Kakkad Complex, Anupam Nagar, Rajnandgaon, Civil And Rev. Distt. Rajnandgaon, District Rajnandgaon Chhattisgarh.

---- Applicant

Vs

1. State Of Chhattisgarh Through District Magistrate Rajnandgaon Chhattisgarh.
2. Baldeo Singh S/o Shri Sardar Singh Aged About 60 Years R/o Kakkad Complex, Anupam Nagar, Rajnandgaon, Civil And Rev. Distt. Rajnandgaon Chhattisgarh.

---- Respondents

And

MCRCA No. 455 Of 2015

Surender Singh S/o Sardar Singh Kakkad Aged About 63 years R/o Kakkad Complex, Anupam Nagar, Rajnandgaon Chhattisgarh

---- Applicant

Vs

1. State Of Chhattisgarh Through : District Magistrate Rajnandgaon Chhattisgarh
2. Baldeo Singh S/o Sardar Singh Aged About 60 Years R/o Kakkad Complex, Anupam Nagar Rajnandgaon, Civil & Revenue District Rajnandgaon Chhattisgarh

---- Respondents

For Applicants	-	Shri Neeraj Kumar Mehta, Advocate
For Respondent/State	-	Shri Satish Gupta, Government Advocate
For Respondent No.2/Non-applicant	-	Shri M.P.S. Bhatia, counsel with Shri Sudhir Bajpai, Advocate

Order On Board

27/07/2015

Heard.

All these two applications are being decided by this common order as they arise out of the same complaint case No.345 of 2014.

2. The applicants, in these cases, are apprehending their arrest in connection with same complaint case No.345 of 2014 registered against them by respondent complainant.

3. Complaint case is that the applicants committed forgery by submitting false affidavit alleged to have been executed by complainant in order to get an order of mutation of the shop in their favour.

4. Learned counsel for the applicants submits that the complainant and the applicants are relatives. There are certain disputes pending. According to the applicants, the complainant had, later on, given No Objection but now the complainant is resolving from the same. It is submitted that report of a private handwriting expert has been obtained on the basis of photocopy and at present, there is no report of Government handwriting expert by comparison of specimen signature with those contents in the original documents.

5. On the other hand, learned counsel for the State and complainant opposes prayer for grant of bail and submits that the complainant has categorically stated that the complainant did not give any No Objection and the affidavit contained false signature. He submits that prima facie the report of a handwriting expert, may be a private handwriting expert, shows that there are dissimilarity in the signature. He further submits that the applicants are trying to destroy the records, official records also. Therefore, looking to their conduct, they are not entitled to grant of anticipatory bail.

6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that the parties are related to each other and that the dispute had arisen on account of complainant stating that the signatures have not been put in the affidavit in support of No Objection which is mainly based on the report of a private handwriting expert on the basis of photocopy of the alleged forged documents and further taking into consideration that nature of allegation relating to forgery of records, custodial interrogation does not appear to be necessary. Therefore, in these circumstances, the applications are allowed.

7. It is directed that if the applicants surrender before the Magistrate within a period of 30 days from today, the applicants shall be released on bail on each of them furnishing a personal bond of Rs.25,000/- with one local surety of the like amount to the satisfaction of the Magistrate on the condition that the applicants shall appear before the Magistrate on each and every date unless exempted and shall not do any act to adversely affect fair trial of the case.

Sd/-

Manindra Mohan Shrivastava

J U D G E

Rekha