

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 300 of 2015

Manmeet Singh Bhatia S/o Vareyaam Singh Bhatia Aged About 34 years R/o Kohka,
Bhilai, Civil & Revenue Distt. Durg Chhattisgarh

---- Applicant

Versus

1. State Of Chhattisgarh Through District Magistrate Durg Chhattisgarh
2. Smt. Amarjeet Kaur W/o Baldev Singh Kakkad, Aged About 58 Years R/o Kakkad
Complex, Anupam Nagar, Rajnandgaon, Civil & Revenue District Rajnandgaon
Chhattisgarh

---- Non-applicant/Respondents

And

MCRCA No. 453 Of 2015

Satpal Singh Kakkad S/o Late Sardar Singh Kakkad Aged About 58 years R/o Kakkad
Complex, Anupam Nagar, Rajnandgaon, Civil & Revenue District Rajnandgaon
Chhattisgarh

---- Applicant

Vs

1. State Of Chhattisgarh Through : District Magistrate Rajnandgaon Chhattisgarh
2. Smt. Amarjeet Kaur W/o Baldev Singh Kakkad Aged About 58 Years R/o Kakkad
Complex, Anupam Nagar, Rajnandgaon, Civil & Revenue District Rajnandgaon
Chhattisgarh

---- Non-applicant/Respondents

And

MCRCA No. 454 Of 2015

Sandeep Singh Kakkad S/o Satpal Singh Kakkad Aged About 36 years R/o Kakkad
Complex, Anupam Nagar, Rajnandgaon, Civil & Revenue District Rajnandgaon
Chhattisgarh

---- Applicant

Vs

1. State Of Chhattisgarh Through : District Magistrate Rajnandgaon Chhattisgarh
2. Smt. Amarjeet Kaur W/o Baldev Singh Kakkad Aged About 58 Years R/o Kakkad
Complex, Anupam Nagar Rajnandgaon, Civil & Revenue District Rajnandgaon

Chhattisgarh

---- Non-applicant/Respondents

For Applicants	-	Shri Neeraj Kumar Mehta, Advocate
For Respondent/State	-	Shri Satish Gupta, Government Advocate
For respondent No.2/complainants	-	Shri MPS Bhatia, Advocate with Shri Sudhir Bajpai, Advocate

Order On Board

27/07/2015

Heard

All these applications are being decided by this common order as they arise out of the same complaint case No.244 of 2014.

2. The applicants, in these cases, are apprehending their arrest in connection with same complaint case No.244 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