

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 571 of 2015

Subhkanti D/o Shri Sawki Lal Aged About 38 years Caste - Kolta R/o – Village-
Lara, Thana & Tahsil - Pussuor, District - Raigarh, Chhattisgarh

----Applicant

Versus

State Of Chhattisgarh Through: District Magistrate, District-Raigarh, Chhattisgarh

---- Respondent

&

MCRCA No. 558 of 2015

Sawki Lal S/o Late Gayaram Aged About 87 years Caste - Kolta, R/o Village - Lara,
Thana & Tahsil Pussour, District - Raigarh Chhattisgarh

Laxmi D/o Sawki Lal Aged About 50 Years Caste - Kolta, R/o Village - Lara, Thana
& Tahsil - Pussour, District Raigarh Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through District Magistrate, District Raigarh Chhattisgarh

---- Respondent

For Applicant/s : Shri Vinay Pandey, Advocate
For Respondent / State : Shri R.K.Gupta, Dy.A.G.

Order On Board

16/07/2015

Both the aforesaid applications are being disposed off by this common order
as they arise out of the same crime number.

Heard.

The applicants in both the applications are apprehending their arrest in
connection with Crime No.62/14 registered at police station – Pussuor, Distt. –
Raigarh, CG for alleged commission of offence under Section 420, 467, 468, 471,
120-B/34 of IPC.

2. Case of the prosecution is that the land of complainants – Dilip Gupta and Deepak Gupta was shown to have partitioned amongst large number of beneficiaries, some of whom are stated to be family members of the complainants and on the basis of said forged memorandum of partition, holding was partitioned by way of mutation proceedings.

The allegation against the applicants is that they also conspired with the beneficiaries by becoming witness to forged documents by putting their signature, whereas no partition was taken place.

3. Learned counsel for the applicant submits that there is a dispute between the two complainants and many members of their family including descendants of their aunt. Because of this dispute, the complainants and the beneficiaries who are said to have received shares in the holding, allegations and counter allegations are being made. It is submitted that the applicants are involved only as witness and not the beneficiaries of the memorandum of partition and consequential partition of holding in the mutation proceedings. It is further submitted that other accused including revenue officer, Sarpanch as also number of beneficiaries named in the allegedly forged memorandum of partition have been granted anticipatory bail by this Court in MCrC (A) No.571/14 and MCrC (A) No.1049/14.

4. On the other hand, learned State counsel submits that complainants – Dilip and Deepak have lodged report that their respective holding were never subjected to any kind of partition whereas the beneficiaries were named in the memorandum of partition but only in order to grab the land of the complainants, other beneficiaries, in conspiracy with the applicants, got forged documents prepared and obtained the land mutated in the mutation proceedings.

5. Taking into consideration the role alleged to be played by the applicants, further taking into consideration that beneficiaries have been granted anticipatory bail by this Court in M.Cr.C.(A) No.571/14 and M.Cr.C. (A) No.1049/14 and that the applicants did not get any benefit out of the partition holding, I am inclined to extend the benefit of anticipatory bail to the applicants.

6. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail on each of them furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the arresting officer and the applicants shall abide by all the following terms and conditions -

(i) that the applicants shall make themselves available for interrogation

by a Police Officer as and when required;

- (ii) that they shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any Police Officer.
- (iii) that the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
Manindra Mohan Shrivastava
Judge

Deepti