

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 624 of 2015

- 1. Romnath S/o Dasru Aged About 49 years R/o Village Piprahi, P.S. Suhela Tah. Balodabazar, Distt.- (Civil And Revenue) Balodabazar-Bhatapara, Chhattisgarh
- 2. Devkumar S/o Sahatram Aged About 27 Years Caste- Satnami, R/o Village Gorhi, P.S.- Bhatapara, Tah.- Bhatapara, Distt.- (Civil And Revenue)- Balodabazar-Bhatapara, Chhattisgarh
- 3. Garud S/o Ramlal Aged About 26 Years Caste- Satnami, R/o Village Chhuhiya, P.S. & Tah. Balodabazar, Distt. (Civil And Revenue)- Balodabazar-Bhatapara, Chhattisgarh
- 4. Bal Kumari W/o Garud Satnami Aged About 25 Years R/o Village Chhuhiya, P.S. & Tah. Balodabazar, Distt. (Civil And Revenue)- Balodabazar-Bhatapara, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through: P.S.- City Kotwali Balodabazar, Distt.- Balodabazar-Bhatapara, Chhattisgarh

---- Respondent

For Applicants	-	Shri Sumit Jhanwar, Advocate
For Respondent/State	-	Shri Satish Gupta, Government Advocate

Order On Board

29/07/2015

Heard.

- 1. The applicants are apprehending their arrest in connection with Crime No.173/2015 registered by Police Station- City Kotwali, Balodabazar, Distt. Balodabazar-Bhatapara (C.G.) for alleged commission of offence under Sections 420, 467, 468, 474, 34 of IPC.
- 2. Prosecution case is that the applicants are involved in preparing a forged power of attorney of one Satbai and thereafter, using the same to sell her immovable property.

3. Learned counsel for the applicants submits that there exist dispute with regard to payment of money, after sale of Satbai's property by applicant No.1. In fact, Satbai had given power of attorney in favour of applicant No.1 which, she is now disowning

4. It is next submitted that the power of attorney is said to be in the name of Romnath and applicants No.2 & 3 were only witnesses to the said power of attorney. No benefit has accrued to them. In respect of applicant No.4, Balkumari, it is argued that she has no involvement. None of the document of Registry or power of attorney show the photographs of applicant Balkumari.

5. On the other hand, learned counsel for the State opposes prayer for grant of bail and submits that Satbai has given complaint that a forged power of attorney was prepared by Romnath and thumb impression of Balkumari was affixed on it. The applicants Devkumar and Garud knowing fully well that Satbai has not given power of attorney, they appeared as witness of this forged document.

6. Considering the submission of learned counsel for the parties, I am not inclined to grant bail to **applicant No.1 – Romnath, Applicant No.2- Devkumar and Applicant No.3- Garud**. However, considering **Applicant No.4 - Balkumari** stated to be woman, aged 25 years and not in a position to interfere with investigation, her application is allowed and she is granted anticipatory bail.

7. It is directed that in the event of arrest of the **applicant No.4 - Balkumari** in connection with the aforesaid offence, the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the arresting officer and the applicant shall abide by all the following terms and conditions-

- i. that the applicant shall make herself available for interrogation by a Police Officer as and when required;
- ii. that the applicant 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 her from disclosing such facts to the Court or to any Police Officer.
- iii. that the applicant shall not act, in any manner, which will be

prejudicial to fair and expeditious trial; and
iv.that the applicant shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-

Manindra Mohan Shrivastava

J U D G E

Rekha