

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6994 of 2015

Raj Kumar Agrawal S/o. Late Shri Babula Agrawal, aged about 50 years, Caste Agrawal, R/o. Ward No. 16, Station Road, Sakti, Tahsil Sakti District Janjgir Champa (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through the Station House Officer, Police Station Sakti District Janjgir-Champa (C.G.)

---- Respondent

For Applicant : Mr. Rajeev Shrivastava, Advocate

For Respondent/State : Mr. Ramakant Mishra, Dy. A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

15/12/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 183/2015, registered at Police Station – Sakti, District – Janjgir-Champa (C.G.) for the offence punishable under Section 420, 467, 468, 471 of IPC.
2. Case of the prosecution, in brief, is that a report was made by Kailash Kumar Agrawal that the forged Will was prepared by the present applicant in the name of Jainarayan on 07.05.1996, which was presented before the Sub Divisional Officer for mutation in the year 2015. Thereafter, the notary and the attesting witnesses were called for verification and they do not support the contentions of that Will bears their signature. Therefore, the offence was committed for preparation of forged Will.

3. Counsel for the applicant submits that the complainant Kailash Kumar Agrawal and the applicant are related to each other and even if the Will was executed is alleged to be forged it is to be substantiated before the Civil Court and without filing of Civil Suit in nature this route has been adopted. It is stated that copy of Will has already been seized. He further submits that the applicant is innocent and he has been falsely implicated in this case and is in jail since 23.11.2015 and no further seizure or custodial interrogation is required and therefore, he may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. Having regard to the fact that the Will has been seized alongwith documents of the mutation proceedings and considering the nature of allegations, prima facie it appears that the allegation levelled is of civil in nature. Further, considering the gravity of offence and the manner in which the offence alleged to be committed and taking into account the fact that the allegations of evidence are of documentary in nature and applicant is in jail since 23.11.2015, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge