

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 638 of 2015

Naveen Sethiya S/o Sohan Lal Sethiya Aged About 40 years, R/o Utsav Town
Basantpur, Rajnandgaon, P.S.- Rajnandgaon, Civil And Revenue District
Rajnandgaon, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through: S.H.O. Police Station- Khairagarh, District-
Rajnandgaon, Chhattisgarh

---- Respondent

For Applicant	:	Shri Awadh Tripathi, Advocate
For Respondent/State	:	Shri R.K. Gupta, Dy.A.G.

Order On Board

12/08/2015

Heard.

This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No.61/2014, registered in Police Station-Khairagarh, District- Rajnandgaon, for alleged commission of offence under Sections 420, 467, 468, 471, 120-B/34 of the IPC.

Case of the prosecution, in brief, is that Nirmal, co –accused had obtained loan from Gambhir Mal Jain and it is said that Nirmal executed a sale deed in favour of Gambhir. He sold the land jointly with Ratan, Dilip and Gopi in favour of Gambhir. Ratan, Dilip and Gopi are alleged to have impersonated three brothers of Nirmal who facilitated execution of sale deed. Allegation against the applicant is that later on, the three brothers of Nirmal, namely Dayal, Tikendra and Ramchandra met present applicant who is nephew of Gambhir and at that time, the applicant took Rs.1 lakh from them and said that a reverse sale deed would be executed in their favour by Gambhir. At this stage, a report was lodged alleging that sale deed was executed by impersonating Dayal, Tikendra and Ramchandra.

Learned counsel for the applicant submits that in so far as execution of sale deed is concerned, the applicant had no role to play. He was neither one of those who had impersonated nor he stood as witness. Merely because at a later point of time, he had a role to play in the matter of settlement of dispute between Gambhir and brothers of Nirmal, he cannot be said to be involved.

On the other hand, learned counsel for the State submits that all the transactions

were one and the same in which, firstly, a loan was taken by Nirmal from Gambhir and then Nirmal executed a sale deed along with other accused who impersonated his brothers. This sale deed was in favour of Gambhir. Later on, for executing reverse sale deed, the applicant received Rs.1 lakh. This shows that the applicant was involved in the whole transaction from very inception.

Taking into consideration the submissions made by learned counsel for the parties, taking into consideration the nature of role alleged to be played by the applicant and further taking into consideration that in so far as stage of execution of sale deed by impersonation is concerned, the application is not stated to be either the person involved in impersonating or witness to sale deed, I am inclined to allow the application.

The application is accordingly allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the arresting officer on his 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 with following further conditions that:

- (i) the applicant shall make himself available for interrogation by the police officer as and when required;
- (ii) 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 him from disclosing such facts to the Court or to any police officer;

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge