

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1066 of 2015

- Rakesh, S/o Ram Prasad, Aged About 30 Years, R/o Village Dharampura, Police Station Mungeli, Civil and Rev. Distt. Mungeli, Chhattisgarh. --- **Petitioner**

Versus

1. State of Chhattisgarh through the District Magistrate Mungeli, District Mungeli, Chhattisgarh.
2. Nohar Das, S/o Rama Satnami, Aged About 55 Years, R/o Village Baihakanpa, Post Office Devri, Police Station Lalpur, Tehsil And District Mungeli, Chhattisgarh. --- **Respondents**

For the applicants	:	Mr. P.P. Sahu, Advocate.
For Respondent No.1	:	Mr. Anupam Dubey, Govt. Advocate.
For the objector	:	Mr. Parasmani Shriwas, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

27.11.2015

1. Apprehending arrest in connection with Complaint Case No.191/2013 registered by the Court of JMFC, Mungeli Distt. Mungeli for the offence punishable under Section 467, 468 & 471 of IPC, the applicant has filed this application under Section 438 Cr.P.C.
2. On a complaint having been filed by non-applicant no.2, a case has been registered by the JMFC. As per the complainant/non-applicant No.2 Nohar Sai, co-accused Ashok had prepared a forged and fabricated will dated 22.10.2002 in which the applicant at the instance of co-accused Ashok stood as witness and gave evidence on oath before the Court of of Tahsildar at the time of mutation, thereby, the offence is committed.
3. Learned counsel for the applicant submits that similarly placed co-accused Tillu @ Tallu has been enlarged on bail by the co-ordinate Bench in M.Cr.C(A). No. 308 of 2011 on 06.07.2011 and the case of present applicant being similar to that of co-accused, his bail

application may be allowed.

4. Per contra, learned State Counsel as also learned counsel for the objector opposes the prayer for grant of anticipatory bail.
5. Having regard rival claims of the parties and taking into the fact that similarly placed co-accused Tillu has been granted bail, I am inclined to enlarge the present applicant on anticipatory bail.
6. Accordingly, M.Cr.C(A). 1066 of 2015 is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offences, he shall be released on bail by the trial Court on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. The applicant shall appear before the concerned court on **24th December, 2015**. The applicant shall also abide by the following conditions :-
 - (i) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
 - (ii) that he 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/her from disclosing such facts to the Court or any police officer;
 - (iii) that he shall not act in any manner which will be prejudicial to fair and expeditious trial; and

Sd/-

**GOUTAM BHADURI
JUDGE**