

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C. (A) No. 1111 /2015

Jagwat, S/o. Khanjar, Aged About 55 Years, Caste Satnami, R/o. Gram Pithampur Dabri, Chowki Chilfi, Thana & Tahsil Lormi, District Mungeli, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through Chouki Chilfi, Police Station Lormi, District Mungeli, Chhattisgarh.

---- Respondent

For Applicant : Mr. Ali Asgar, Advocate.

For Respondent : Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19/11/2015

1. Apprehending arrest in connection with Crime No.347/2015 registered at Chilfi Chowki, Police Station Lormi, District Mungeli (C.G.) for the offence punishable under Section 420, 467, 468, 471 of the Indian Penal Code, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution story, in brief, a report was lodged by Sukhru Ram one of the brother of the applicant Jagwat that he got the name mutated in respect of the land which is owned by the complainant Sukhru and subsequently sold it to his son namely Rajendra Prasad by making false document. Therefore, the offence has been registered.
3. Learned counsel for the applicant submits that initially in the year 1990 the land was purchased by Khanjar, father of Sukhru, Jagwat & Faguram and the purchase was made in the name of Sukhru. Thereafter, after death of Khanjar some-time in the year 2000, the

land was got partitioned in respect of three brothers wherein Khasra No.75/1 and 75/2 fell into share of Jagwat. He further submits that the mutation proceedings were drawn after the partition and name of Jagwat was also recorded and the properties were distributed after being thrown in the common hotchpotch. Therefore, the applicant may be enlarged on anticipatory bail.

4. Per contra, the learned State counsel opposes the prayer for grant of anticipatory bail. He would submit that by making false documents, the property which was in name of Sukhru was got mutated in name of the applicant Jagwat and sold it. Therefore, the applicant may not be given the benefit of anticipatory bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Perusal of the case diary would show that the name of respective parties were recorded in the revenue records after the partition. The mutation of the names were subject to challenge before the S.D.O. and Commissioner. Consequently, it appears that the dispute is predominantly of share of the properties. Therefore, taking into totality of the case and considering the documents on record, I am inclined to grant anticipatory bail to the applicant.
7. Accordingly, the anticipatory bail application is allowed.
8. 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 officer arresting him on furnishing a personal bond to a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :
 - (i) that the applicant shall make himself available for interrogation before the investigating 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 him/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 him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge