

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 992 of 2015

Santosh Kumar Jaiswal S/o Kanhaiyalal Jaiswal Aged About 55 Years Caste
Kalar, R/o Village Sutarra, Police Station Katghora, District Korba Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station
Katghora, District Korba Chhattisgarh.

---- Respondent

For Applicant	:	Shri Goutam Khetrapal, Advocate.
For Respondent/State	:	Shri Satish Gupta, Government Advocate.

Order On Board

13/10/2015

Heard.

1. The applicant is apprehending his arrest in connection with Crime No.02/2014 registered at Police Station- Katghora, District- Korba (C.G.) for alleged commission of offence under Section 420, 467, 468, 471 of IPC.
2. Case of the prosecution is that the complainant Shyamlal lodged report that all of a sudden, he came to know someone raising construction and upon enquiry, he came to know that on the basis of forged agreement to sell, sale deed which was never executed by him, the applicant claimed to have acquired title in the year 1989 and later on, it was fraudulently sold to another person Chandrakanta Devi in the year 1991.
3. Learned counsel for the applicant submits that the allegations are, on the face of it, wholly improbable. The title passed in favour of the applicant under registered sale deed and there is no report that the sale deed does not contain the signature of the complainant or that his signature are forged. He submits that not only sale deed was executed and registered but the name of the applicant was also mutated by competent authority after inviting objection in the year 1989 itself and thereafter, it was sold by the

applicant to another purchaser in the year 1991, who has remained in possession last more than two decades. Now, in order to get more money, false report has been lodged.

4. On the other hand, learned counsel for the State opposes prayer and submits that the complainant has clearly stated that he never entered into an agreement to sell nor executed any sale deed and entire transaction are fraudulent in nature.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that there exists a registered sale deed in favour of the applicant and there is no specific material collected by prosecution to prima facie show that the signature in the sale deed are forged and not in the handwriting of Shyamlal or other persons who have signed it, the application is allowed.

6. Accordingly, it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail on his 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 himself available for interrogation by a Police Officer as and when required;
- (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 from disclosing such facts to the Court or to any Police Officer.
- (iii) that he shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that he 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/-

Manindra Mohan Shrivastava

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