

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. (A) No. 154 of 2016

1. Smt. Madhuri Singh, W/o Mithilesh Singh, Aged About 27 Years.
R/o Sunder Vihar Colony, Plot No. 129/ B, Behind Nalanda School,
Kurud Road, Bhilai, Police Station Jamul, Tahsil and District Durg,
Chhattisgarh.
2. Mithilesh Singh S/o Ram Iqbal Singh, Aged About 30 Years, R/o
Sunder Vihar Colony, Plot No. 129/ B, Behind Nalanda School,
Kurud Road, Bhilai, Police Station Jamul, Tahsil & District Durg,
Chhattisgarh.

---- Applicants

Versus

1. State of Chhattisgarh Through the Station House Officer, Police
Station Chhawani, District Durg, Chhattisgarh.
2. Ramavtar Singh, S/o Late Girja Singh, Aged About 58 Years, R/o
Baikunth Nagar, Electric Pole No. 45, Near Shop of Suresh Halwai,
Ward No. 22 Chhawani, Tahsil & District Durg, Chhattisgarh

[Complainant]

---- Respondents

For Applicant	:-	Mr. B.P. Singh, Advocate
For Respondent/State	:-	Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

11/04/2016

1. Apprehending arrest in connection with Complaint Case No
1745/2011 registered in the Court of Judicial Magistrate First Class Durg
(C.G.) for the offence punishable under section 419,420,467,468, and 471
of the Indian Penal Code. The applicants have preferred this application
for grant of anticipatory bail.

2. As per the prosecution case, a complaint was filed by respondent No.2, alleging that some property which was in the name of the wife of the complainant, the applicant got sale deed executed in his favour, while the thumb impression affixed on the sale, the seller the wife of complainant was suffering with cancer of brain and she was in unconscious state. Thereby, the fraud is committed.

3. Counsel for the applicants submits that the applicant and the complainant are the related to each other and to his instruction no registered deed has been executed. He further placed photocopy of bikrinama of the sale agreement and submits that no fraud has been committed, therefore, the applicants may be given the benefit of anticipatory bail.

4. Despite service of notice to the respondent No.2, no representation is made.

5. Per contra, State counsel opposes the prayer for grant of bail and submits that it is a complaint case, therefore, he is not in hold of any documents.

6. Perused the documents filed along with the bail petition. After due consideration, on going through the complaint as also the statement and the documents which purports the registered sale deed has not been made, prima facie, I am inclined to release the applicants on anticipatory bail.

7. Accordingly, the anticipatory bail application is allowed.

8. It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on executing a personal bond in sum of

Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions:-

- (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that the applicants 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 the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-

(Goutam Bhaduri)

JUDGE

Santosh