

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. (A) No. 305 of 2016

Seso Ram, S/o. Sundar Ram, Aged about 55 years, R/o. Village Godhikala, P.S. and Tahsil Pathalgaon, Civil and Revenue District Jashpur (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station Pathalgaon, District Jashpur (C.G.)

---- Respondents

For Applicant	:-	Mr. Arun Kumar Shukla, Advocate
For Respondent/State	:-	Mr. Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

25/04/2016

1. Apprehending arrest in connection with Crime No. 313 of 2015 registered at Police Station – Pathalgaon, District Jashpur (C.G.) for the offence punishable under sections 420,467,468,120(B) of the Indian Penal Code. The applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, a report was made by one Kishore and Kamlesh that the applicant without any document by forged entry has recorded Khasra No. 72, admeasuring 2.2 acres of land in the name of Seso; thereby, the offence has been committed.
3. Counsel for the applicant submits that the complainant and the applicant belonged to the same family. It is stated that they are decedent

of Kurre, who had four sons namely Chetan, Asaru, Sundar and Purno. It is stated that the complainants are the sons of Chetan and the applicant is the son of Sunder Ram. The partition effected in between the parties and the Khasra No. 72, was in question of dispute for which proceedings under section 145 of Cr.P.C. was drawn wherein the order was passed in favour of the applicant. He further relied the order dated 21.08.2000 passed by SDM, Pathalgaon, wherein it is stated that the complainants have directed that not to enter into the disputed property i.e. Khasra No. 72. He further submits that the entire case is of civil in nature, therefore, the applicant may be given the benefit of anticipatory bail.

4. Per contra, State counsel opposes the prayer for grant of bail.

5. Perused the report, documents and the order sheet dated 21.08.2000 which is placed by the applicant. The document go to show that certain proceedings between the complainant and the applicant commenced under section 145 of Cr.P.C. and orders were also passed in respect of the land bearing khasra No. 72, which is subject of dispute. By such adjudication by the SDM Pathalgaon, it purports that it was declared that the applicant is in possession of the property and other were restrained to interfere with such possession. Considering the same, it appears that the nature of dispute is of civil in nature between the family members. Therefore, taking the totality of fact, I am inclined to release the applicant on anticipatory bail.

6. Accordingly, the anticipatory bail application is allowed.

7. 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 executing a personal bond in 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 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) 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.

Sd/-

(Goutam Bhaduri)

JUDGE