

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 356 of 2016

1. Yograj S/o Harvanshlal Verma Aged About 35 Years R/o Village Devri, P.S. Bhatapara (Gramin), Civil And Rev. Distt. Baloda Bazar - Bhatapara Chhattisgarh.

2. Kamta Prasad Verma S/o Bhukalu Verma Aged About 52 Years R/o Village Devri, P.S. Bhatapara (Gramin), Civil And Rev. Distt. Baloda Bazar - Bhatapara Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Bhatapara (Gramin), Civil And Rev. District Baloda Bazar - Bhatapara Chhattisgarh.

---- Respondent

For applicants – Shri A.P. Sharma, Advocate.
For Respondent/State –Shri Arvind Shukla, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

13/04/2016

1. This application under Section 438 of Cr.P.C. has been filed by the applicants apprehending their arrest in connection with Crime No. 63/2016 registered at Police Station Bhatapara (Gramin), Civil and Revenue District Baloda Bazar-Bhatapara (C.G.) for offence punishable under sections 467, 474 of Indian Penal Code.

2. As per the prosecution case a report was made by one Rajim Bai that her brother namely Tikaram in order to deprive her from her family property executed forged disclaimer deed and in such disclaimer deed these applicants also participated in connivance with the Patwari. By such disclaimer deed complainant was deprived of her property, thereby offence is committed.

3. Learned counsel for the applicants submits that partition was affected in between Rajim Bai and Tikaram brother, these applicants have

not committed any offence and issue is still under adjudication before competent revenue court, therefore applicant may be enlarged on bail.

4. Learned State counsel opposes the prayer for grant of bail.

5. I have perused the case diary. After perusal of the case diary it shows that FIR was recorded when the complaint was filed. Perused the order which is filed along with the application which shows that with respect to the mutation proceeding complainant and her brother are continuing litigation before different revenue court. Taking into such facts nothing in the case diary is available at this stage as such suggesting involvement of these applicants, I am inclined to extend benefit of anticipatory bail to the applicants.

6. Accordingly, the anticipatory bail application is allowed and 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 each of them executing a personal bond in sum of Rs.25,000/- with one local 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/her 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.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE

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