

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC(A) No. 430 of 2016**

1. Shiv Kumar Verma, S/o Punit Ram Verma Aged About 42 Years,
2. Omkar Prasad Patil, S/o Tijuram Patil Aged About 48 Years,
3. Khedram Verma, S/o Nandu Verma, Aged About 42 Years,
4. Uttam Kumar Sahu, S/o Kangalu Sahu, Aged About 35 Years,
5. Jeevan Devdas, S/o Heeraram Devdas Aged About 48 Years,
6. Rajaram Sahu, S/o Mangal Das Sahu, Aged About 46 Years,
7. Santosh Kumar Parikar, S/o Fandiram Parikar, Aged About 42 Years,
8. Motiram Patil, S/o Laxman Patil, Aged About 45 Years,
9. Mohanlal Verma, S/o Takhatram Verma, Aged About 50 Years,
10. Sukh Bai, W/o Kartiram, Aged About 65 Years,

Both are R/o Village Devri, P.S. Bhatapara (Gramin), Civil And Revenue District Baloda Bazar - Bhatapara (Chhattisgarh)

11. Dhela Bai Sahu, W/o Hirawan Sahu, Aged About 43 Years, R/o Village Silva, P.S. Bhatapara (Gramin), Civil & Revenue District Baloda Bazar - Bhatapara, Chhattisgarh

12. Pipriya Bai, W/o Devendra Sahu, Aged About 35 Years, R/o Village Sonari (Konari), P.S. Baloda Bazar, Civil & Revenue District Baloda Bazar - Bhatapara Chhattisgarh

13. Pyari Bai, W/o Dronacharya Aged About 35 Years, R/o Village Mohtara, P.S. Baloda Bazar, Civil & Revenue District Baloda Bazar - Bhatapara Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through : Station House Officer, Police Station Bhatapara (Gramin), Civil And Revenue 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

12/05/2016

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

Section 467, 474 of the 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. Applicants have been stated to have signed as witness to the disclaimer deed. 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