

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 707 /2016

Sanjeev Kumar Syan, S/o. Late Shri Jogender Syan, Aged About 45 Years, R/o. Block No.13, Quarter No.2, Housing Board Colony, Bhilai, P.S. Jamul, Tahsil & District Durg, Chhattisgarh.

---- Applicant

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Station Jamul, District Durg, Chhattisgarh.
2. Smt. Sudarshna Syan, Widow of Late Shri Jogender Syan, Aged About 68 Years, R/o. Block No. 4, Quarter No. 3, Housing Board Colony, Bhilai, District Durg, Chhattisgarh

---- Respondents

For Applicant	:	Mr. Awadh Tripathi, Advocate.
For Non-applicant	:	Ms. Shobha Kashyap, Govt. Advocate.
For Complainant	:	Mr. Rudranath Mukharjee, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19/08/2016

1. Apprehending arrest in connection with Criminal Complaint Case No.990/2016 registered before J.M.F.C. Durg, District Durg (C.G.) for the offence punishable under Section 420 of Indian Penal Code, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the case filed by the complainant, in the year 1979 a lease was granted to Joginder Nath Syan, father of the applicant, for 99 years by the District Trade & Industries Center, Durg. Joginder Nath Syan died in 2005 and thereafter the applicant by fabricating the signature of the no-objection by the sisters and mother gave a letter to the District Trade & Industries Center and stated that they have no objection and on that basis, sole name of the applicant was transferred in the leased plot; thereby the offence has been committed.

3. Learned counsel for the applicant would submit that the sisters have taken the money and thereafter they had given no-objection certificate and the complaint has not been filed by the sisters but mother has filed the complaint at the behest of the sister. He further submits that after the complaint is registered, the applicant is being served with the notice and if he is arrested then he will be inculpated in the false case, therefore, the applicant may be enlarged on anticipatory bail.
4. Per contra, learned State counsel and learned counsel for the objector opposes the prayer for grant of anticipatory bail and would submit that after the complaint preferred by the mother, the case was registered.
5. Perused the documents filed alongwith the bail application as also the documents filed alongwith the objection. Considering the facts and circumstances of the case and taking into the nature of dispute which appears to be a family dispute, I am inclined to release the applicant on anticipatory bail.
6. Accordingly, the anticipatory bail application is allowed and 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 furnishing a personal bond to a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. The applicant shall also abide by the following conditions :
 - (i) that, the applicant shall appear before the Magistrate First Class, before whom the private complaint is pending, within a period of fifteen days and shall furnish bail for the amount as may be fixed by the Magistrate;
 - (ii) that, the applicant shall regularly appear before the Magistrate and co-operate in the quick disposal of the private complaint;

- (iii) 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 on enquiry.

Sd/-
(Goutam Bhaduri)
Judge

Ashok