

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 769 of 2016

1. Niranjan Kerketta S/O Prem Prakash Kerketta Aged About 35 Years R/O Village Khutgaon, Tahsil And Police Station Farsabahar, District Jashpur Chhattisgarh.
2. Smt. Shilmanti Bhagat W/O Ramkumar Bhagat Aged About 32 Years R/O Village Khutgaon, Tahsil And Police Station Farsabahar, District Jashpur Chhattisgarh.
3. Smt. Savitri Bai W/O Laxman Soren Aged About 32 Years R/O Village Khutgaon, Tahsil And Police Station Farsabahar, District Jashpur Chhattisgarh.
4. Runa Ram S/O Sukhsai Aged About 40 Years R/O Village Khutgaon, Tahsil And Police Station Farsabahar, District Jashpur Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Police Stationn Farsabahar, District Jashpur, Chhattisgarh.

---- Respondent

For Applicants : Mr. Ravi Kumar Bhagat, Advocate

For Respondent/State : Mr. Neeraj Kumar Sharma, Dy.G.A

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

12-08-2016

1. This application under Section 438 of Cr.P.C has been filed by the applicants apprehending their arrest in connection with Crime No. 98 of 2015 registered at Police Station Farsabahar, District Jashpur (CG) for offence punishable under Sections 420, 467, 468, 471 and 120-B of IPC.
2. As per prosecution case, Sukhdev and Bhuleshwar were holding a land bearing Khasra No. 487 and they were sons of Lukru. One Nakul who was the relative of Sukhdev and Bhuleshwar filed an application before the Patwari that Sukhdev and Bhuleshwar died, therefore, his name may be recorded. The Patwari namely Suresh Kumar Upadhyay on that basis forwarded the application to Gram

Pancayat and Gram Panchayat after receipt of such application proceeded to record the name of Nakul after proclamation and name of Nakul was recorded. Subsequently, Sukhdev and Bhuleshwar appeared in person and stated that they are alive, therefore, it is stated that fraud has been committed by Nakul in connivance of these applicants and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicants would submit that the applicants are Panch of village Kudgaon and on the basis of application filed by Nakul after proclamation they signed resolution and they have not committed any offence. He would further submit that the case of the present applicants is similar to the case of other co-accused persons who have been granted anticipatory bail vide order dated 13-5-2016 passed by this Court in M.Cr.C (A) Nos. 418 of 2016 and 440 and 2016, therefore, the applicants may also be enlarged on anticipatory bail on the ground of parity.
4. On the other hand, learned State counsel opposes the prayer for grant of bail, however, he does not dispute the fact that similarly placed other co-accused persons have been granted anticipatory bail.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Considering the facts and circumstances of the case, nature of allegations leveled against the applicants and further considering the fact that similarly placed other co-accused have been granted anticipatory bail, I am inclined to extend benefit of anticipatory bail to the applicants.

7. Accordingly, the application filed under Section 438 of the Cr.P.C. for grant of anticipatory bail 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 the sum of Rs.25,000/- with one local surety 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 her by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju