

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 138 of 2016

Dilwant Singh S/o Surendra Singh Aged About 64 Years R/o
Akaltara, Police Station & Post Akaltara, Civil And Rev. Distt. Janjgir
Champa Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Akaltara, District
Janjgir Champa Chhattisgarh.

---- Respondent

For applicant – Shri Manoj Paranjpe, Advocate.

For Respondent/State – Shri Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

22/02/2016

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 16/2016 registered at Police Station Akaltara, District Janjgir-Champa (C.G.) for offence punishable under Section 420, 467, 468, 471 read with Section 34 of Indian Penal Code.

2. As per the prosecution case a report was made by brother of the applicant Yashwant that in the year 1995-1996 applicant got his name mutated in the revenue record by fabricating documents and thereafter obtained compensation of the land which was acquired in 2010. Report was made on 21/01/2016.

3. Learned counsel for the applicant submits that complainant is the brother and in the year 1995-1996 according to the family arrangement as per revenue record the property fell in the share of this applicant and his name was recorded and the revenue record fortifies the same which is filed as Annexure A-5. He submits that it is not a case where property was self acquired property of the complainant Yashwant. Consequently, the

property which devolve on the family partition it belong to the applicant and he has sold it and he became the owner and therefore complainant obtained certain properties in said partition, therefore the complainant should not have challenged the family arrangement. He further submits that nature of the case is entirely that of the civil nature, therefore the applicant may be granted benefit of anticipatory bail.

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

5. I have perused the case diary which contains revenue records also which is filed as Annexure A-5 wherein it is stated that according to the family arrangement certain land were recorded in the name of the applicant as also in the revenue record of the certified copy of the record of right. Taking into such fact it appears that nature of transaction are purely are civil in nature and respective parties are claiming right over the property. Taking into such fact, I am inclined to extend benefit of anticipatory bail to the applicant.

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 his executing a personal bond in sum of Rs.25,000/- with one local 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/her 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.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE

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