

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. (A) No. 197 of 2016**

Akash Pandey S/o Mrigunandan Pandey Aged About 26 Years R/o Village Baghima, Revenue District Balrampur Ramanujanj, Civil District Surguja, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Jainagar, District Surajpur, Chhattisgarh.

---- Respondent

For applicant – Shri Amarnath Pandey, Advocate.
For Respondent/State –Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order****11/04/2016**

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 248/2015 registered at Police Station Jainagar, District Surajpur (C.G.) for offence punishable under 420, 467, 468, 120-B of Indian Penal Code.
2. As per the prosecution case land was recorded in the name of Gahawar and Peyar at village Podipa PC No.44. It was sold to Purushottam Agrawal by Gahawar and Peyar. Subsequently, it came to the notice while purchaser wanted to get his name mutated that Gahawar and Peyar had died long back and in place of Gahawar and Peyar other persons have been identified as seller. By false personification sale deed has been made in favour. It is further stated that purchaser Purushottam Agrawal has paid Rs.9,86,000/- for two sale deed to such seller. According to the prosecution one Sakhan and Gopin who were worker of this applicant were identified as Gahawar and Peyar by this applicant while opening the bank account. Thereby, offence is committed.
3. Learned counsel for the applicant submits that applicant neither

was present at the time of execution of the sale deed nor he has played any role. He stated that Investigating Officer in connivance with the purchaser and the Tehsildar has implicated this applicant. He further submits that statement of Purushottam Agrawal was recorded before Tehsildar while initial enquiry was made about false execution of sale deed. He read out the statement filed along with the application filed as document and would submit that according to such statement no offence can be attributed to this applicant and he has been falsely implicated.

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

5. According to the case diary and the statement which is placed on record by the applicant it also contains statement of Gyanchand Gupta who was Branch Manager wherein account of Gahawar and Peyar was opened. According to such statement, the applicant accompanied the said persons namely Gahawar and Peyar while account was opened and according to the case diary document Sakhan and Gopin were personified as Gahawar and Peyar who were worker of this applicant. Statement of the identifying witness Baliram perused. Taking into such statement, I am not inclined to extend benefit of anticipatory bail to the applicant.

6. Accordingly, the anticipatory bail application is dismissed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
JUDGE