

HIGH COURT OF CHHATTISGARH, BILASPUR

M CR C A No. 234 of 2016

1. Smt. Nilima Sharma W/o. Shri Basant Sharma, aged about 45 years, R/o. village and post Dhaniya, Tahsil Masturi, District Bilaspur(C.G.) presently resided at near Shiv Chowk, Kududand, District Bilaspur (C.G.)
2. Smt. Girija Pandey D/o. Shri Ram Dulare Pandey, aged about 43 years, R/o. village and post Dhaniya, Tahsil Masturi, District Bilaspur(C.G.) presently resided at near Shiv Chowk, Kududand, District Bilaspur (C.G.)

---- Applicants

Versus

State of Chhattisgarh Through – Police Station Sipat, District Bilaspur (C.G.)

---- Respondent

For Applicant	:-	Mr. D.C. Verma, Advocate
For Respondent/ State	:-	Mr. Gary Mukhopadhyay, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

15/03/2016

1. Apprehending arrest in connection with the Crime No. 293/2015, registered at Police Station- Sipat, District Bilaspur (C.G.) for the offence punishable under sections 417,418,420,421,423,424,120B,34 of Indian Penal Code, the applicants have filed this application under Section 438 of Cr.P.C. for grant of anticipatory bail.
2. Case of the prosecution, in brief, a case was registered on the complaint filed before the Court of Judicial Magistrate First Class-1, Bilaspur, alleging the applicant owned the land bearing khasra no. 90/3 for which an agreement was

executed with the complainant on 19.02.2014 and original rin pustika was handed over to the complainant and it was agreed to get the sale deed registered within one year of the agreement, however, the sale deed has not been executed. The complainant inquired how the date being postponed. The complainant having made search in office of sub registrar it was found that on 04.09.2014 the alleged land has been sold to one Kanha Kashyap for a valuable consideration of Rs. 8,30,500/-, therefore, the applicants have made forgery and sold the land by preparing duplicate rin pustika. Thereby, the offence is committed.

3. Counsel for the applicants would submit that the husband of the applicant No. 1, Basant Sharma has obtained loan from the complainant in the year 2009, of Rs. 1,00,000/-, and in order to secure repayment of loan the document of title were kept in possession by the complainant. Subsequently, again Rs. 70,000/- was paid, however, the complainant stated that he would require more interest and another agreement was executed and certain amount was further recovered to the extent of Rs. 2,40,000/-. He further submit that the complainant himself has deceived the applicants and has cheated, therefore, the applicants may be given the benefit of anticipatory bail.

4. Per contra State counsel opposes the prayer for grant of bail.

5. Perusal of the case diary and the documents shows that earlier agreement was dated 19.02.214 and the sale deed was executed on 04.09.2014 in favour of the another person. Taking the primary allegation on it's face value, it appears, that the nature of dispute, prima facie appears to be of civil in nature. Considering the nature of allegations as it pertains to execution of sale deeds, this Court is of the opinion, that present is a fit case, where the applicant should be enlarged on anticipatory bail.

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

Sd/-

(Goutam Bhaduri)
JUDGE