

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 600 of 2016

1. Tikaram S/o Kartikram Sahu Aged About 45 Years R/o Village Devri, Police Station Bhatapara Gramin, District Baloda Bazar Bhatapara, Chhattisgarh.
2. Sonkumari W/o Manharan Sahu Aged About 38 Years R/o Village Tikuliya, Police Station Bhatapara Gramin, District Baloda Bazar Bhatapara, Chhattisgarh.
3. Mohammed Ayyub Khan S/o Late A.Y. Khan Aged About 50 Years R/o Mohta Building Patpar, Bhatapara, Police Station Bhatapara Town, District Baloda Bazar Bhatapara, Chhattisgarh. --- **Applicants**

Versus

State of Chhattisgarh through Station House Officer, Police Station Bhatapara Gramin, District Baloda Bazar Bhatapara, Chhattisgarh.

---- **Respondent**

For the applicant	: Mr. A. P. Sharma, Advocate
For the Respondent	: Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

03.08.2016

1. This is first bail application filed under Section 438 of the Code of Criminal Procedure seeking grant of anticipatory bail to the applicants in connection with Crime No.63 of 2016 registered at P.S. Bhatapara Gramin, District Baloda Bazaar-Bhatapara (C.G) for the offence punishable u/s 467 & 474 of IPC.
2. As per the prosecution case, a report was made by one Rajim Bai that her brother in order to deprive her from family property falsely personified Sonkumari, applicant no.2 as Rajim Bai and got the name recorded and deleted his name on the basis of disclaim.
3. Learned counsel for the applicant would submit that during the pendency of this application, applicant no.2 Sonkumari

was arrested and thereafter she was enlarged on bail by the trial Court on 13.07.2016 , therefore, he does not press the bail application of applicant No.2. In view of this, the bail application of Applicant No.2 Sonkumari is dismissed as not pressed.

4. Learned counsel for the applicants further submits that the partition was effected between Rajim Bai and Tikaram and the applicants 1 & 3 have not committed any offence and the issue is still pending for adjudication before the Revenue Court, therefore, the applicants 1 & 3 may be enlarged on bail as the applicant No.1 is Patwari who has only acted on the statement.
5. Per contra, learned State Counsel opposes the bail.
6. Perused the case diary. It shows that the FIR was recorded and the complaint was filed. The case diary also shows that the mutation proceedings between the parties is pending before the Revenue Courts and the deed has been placed on record.
7. Considering the nature of offence and the degree allegations leveled as also taking into fact that all the evidence which is available in the case is documentary in nature; no further investigation is necessary and co-accused Sonkumari has already been enlarged on bail, thus looking to the totality of the facts and circumstances of the case, I am inclined to extend the benefit of provisions of section 438 Cr.P.C., to applicants 1 & 3.
8. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicants 1 & 3 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 sum of Rs.25,000/- with one surety each in

the like sum to the satisfaction of the officer arresting them or the concerned Investigating Officer. Applicant 1 & 3 shall also abide by the following conditions :-

- (I) that they shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that they 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 any police officer;
- (iii) that they shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE