

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 688 of 2016

- Harjinder Singh Bhatia S/O Late Avatar Singh Bhatia Aged About 52 Years By Caste Sikh, R/O Budhwaripara, Ward No. 15, Dongargarh, Tahsil Dongargarh, District Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Bagnadi, Tahsil Dongargarh, District Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant : Mr. Parag Kotecha, Advocate

For Respondent/State : Mr. Neeraj Kumar Jain, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

11-8-2016

1. This application under Section 438 of Cr.P.C has been filed by the applicant apprehending his arrest in connection with Crime No. 20 of 2016 registered at Police Station Bagnadi, District Rajnandgaon (CG) for offence punishable under Sections 420, 467, 468, 471/34 of the IPC.
2. As per case of the prosecution, on 13-2-2012 a report was made by the complainant that Thaukur Ram that the applicant by falsely impersonating a person as Thakur Ram got forged sale deed registered in his name and thereby tried to deprive the original owner from lawful possession from ownership on the basis of forged document and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the applicant is a bona fide purchaser, he has not deceived any person and he had purchased the land from Thakur Ram and after payment of the amount, the same was certified by Tahsildar on 13-

3-2012, therefore, no case was made out, therefore, the applicant may be extended the benefit of anticipatory bail.

4. Learned State counsel opposes the prayer for grant of anticipatory bail.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Perused the statement of complainant Thakur Ram wherein specific allegations have been attributed against the applicant that by falsely impersonating a person as Thakur Ram, he got the sale deed registered. Perusal of the case diary shows that similar nature of nature of offences is registered against the applicant in Police Station Bortalab bearing Crime No. 15 of 2016 under Sections 420 & 120-B of the IPC.
7. Considering the facts and circumstances of the case, nature and gravity of the offence, the manner in which the aforesaid offence was committed and further considering the statement of the complainant and past background of the applicant, I am of the considered opinion, *prima facie* that it is not a fit case where benefit of Section 438 of Cr.P.C., can be extended to the applicant.
8. Accordingly, the anticipatory bail application is liable to be and is hereby dismissed.

Sd/-

(Goutam Bhaduri)
Judge

Raju