

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 763 /2016

Onkar Singh, S/o. Shri Ram Singh Thakur, Aged About 52 Years, R/o. Chorha Bundeli, P.S. City Kotwali, Mungeli, Civil & Revenue District Mungeli, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the Station- City Kotwali, Mungeli, Civil & Revenue District Mungeli, Chhattisgarh.

---- Respondent

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M.Cr.C.(A) No. 764 /2016

Mohd. Hussain, S/o. Mohd. Ibrahim, Aged About 60 Years, R/o. Jhhagarhata, Amlidih, P.S. & Tahsil Mungeli, Civil & Revenue, District Mungeli, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the Station- City Kotwali, Mungeli, Civil & Revenue District Mungeli, Chhattisgarh.

---- Respondent

For Applicants : Mr. Neeraj Mehta, Advocate.

For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

11/08/2016

1. Apprehending arrest in connection with Crime No.289/2013 registered at Police Station- City Kotwali, Mungeli (C.G.) for the offence punishable under Section 419, 420, 467, 468, 471, 120(B) and 34 of Indian Penal Code, the applicants have preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, a complaint was made by Ram Rakshit Singh Thakur regarding fraudulent and illegal sale of land, which was purchased by Dinesh Soni in name of his wife

Annapurna Soni and Dilip Soni personified his wife Krishna Soni to be Savitri Bai and get the sale deed executed and the same was identified by the present applicants.

3. Learned counsel for the applicants would submit that initially the applicants were not named and they have been subsequently arrayed by virtue of Section 319 of Cr.P.C. He further submits that four persons have executed the sale deed and the applicants have been falsely implicated, therefore, they may be enlarged on anticipatory bail.
4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.
5. Perused the case diary and the documents. It appears that the applicants have been inculpated by virtue of Section 319 of Cr.P.C. Taking into fact that already the evidence is going on and it appears that no custodial interrogation is required under the facts and circumstances of the case, further considering the fact that the sale deed was executed in the year 2006, the report was made in the year 2013 and the trial is pending since 2014, considering the period passed in between, I find it to be a fit case where the benefit of Section 438 of Cr.P.C. can be extended to the applicants.
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 furnishing a personal bond to a 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 him/her 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) that 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge