

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 806 /2016

Vedanti Tiwari, S/o. Late Bansdhari Tiwari, Aged About 58 Years, R/o. Kamalpur, P.S. Raghunathnagar, District Balrampur-Ramanujnagar, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station Raghunathnagar, District Balrampur-Ramanujnagar, Chhattisgarh

---- Respondent

For Applicant : Mr. A.K.Yadav, Advocate.
For Respondent : Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

24/08/2016

1. Apprehending arrest in connection with Crime No.22/2014 registered at Police Station- Raghunathnagar, District Balrampur-Ramanujnagar (C.G.) for the offence punishable under Section 420, 467, 468, 471 of Indian Penal Code, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, one report was made by one Bhagwat Sahu on 05.04.2014 that initially in the year 1996 the mother of the complainant Dasodiya Bai had paid an amount of Rs.1,10,000/- to the present applicant to get a lease of the land. Subsequently, the lease deed was given, which the complainant was holding in name of two sons of Dasodiya Bai. In the year 2013 when they went to obtain loan on the basis of such land to create a mortgage, it was found that the said lease deed is fake, therefore, the applicant has fabricated the document and cheated the complainant.
3. Learned counsel for the applicant would submit that the issue pertains to the year 1996 and the entire report has been made at the behest of Benimadhav the then Branch Manager of the Bank

since the applicant has deposed against him in a Criminal Case No.397 of 2008, therefore, the false allegations have been leveled against the applicant. It is further submitted that earlier also, the report was made and as per Annexure A-5, the police had enquired in the year 2013 wherein it was found that no document was existing to prove that the applicant has taken money. It is further submitted that even the statement of Salikram and Vedanti Tiwari would not make out a case against the applicant, therefore, false allegations have been attributed against the applicant and as such he may be enlarged on anticipatory bail.

4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.
5. Perused the documents filed along-with this bail application which contains the report as also the statement made by the present applicant against Benemadhav. The initial report of the police was also seen wherein it is prima facie found that no offence is made out. Considering the documents and the case diary and the fact that the alleged transaction have been stated to be of the year 1996 and for the considerable period no report was made and only in the year 2013 the report was made, I find it to be a fit case where the benefit of Section 438 of Cr.P.C. can be extended to the applicant.
6. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on furnishing a personal bond to a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :
 - (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;

- (ii) that the applicant 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 applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge