

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C (A) No. 1079 of 2015

Shri Krishnanand Singh S/o. Late R.B. Singh, aged about 44 years, R/o. Kedarpur, P.S. Kotwali, Ambikapur, Civil and Revenue District Ambikapur at Surguja (C.G.)

--- Applicant

Versus

1. State of Chhattisgarh Through the District Magistrate Ambikapur District Surguja (C.G.)
2. Atul Dubey S/o. Shri Vijay Nath Dubey, aged about 45 years, caste Brahman R/o. Shivayan Bhawan, Pratappur, Naka Raod, Ambikapur, District Surguja (C.G.)

---- Respondents

For Applicant	:-	Mr. S.C. Verma, Advocate.
For Respondent/ State	:-	Mr. Anil S. Pandey, Govt. Advocate
For Respondent No. 2.	:-	Mr. Sunil Tripathi, Advocate for respondent No.2

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16/02/2016

1. Apprehending arrest in connection with the complaint Case No. 87/2010, registered at Police Station Ambikapur, District Surguja (C.G.) for the offence punishable under section 420,468,471,406 of Indian Penal Code. The applicant has filed this application under Section 438 of Cr.P.C. for grant of anticipatory bail.

2. Case of the prosecution in brief is that, a complaint was filed by respondent No. Atul Dubey for commission of offence punishable under sections 463, 464, 468, 469, 471, 420 and 120B of the IPC. The trial Court took cognizance against Krishnanand Singh, Smt. Shikha Singh and present

applicant by order dated 24.07.2010 for the offence punishable under section 420, 468, 471 and 406 of the IPC.

3. Counsel for the applicant submit that the allegation against this applicant is that the present applicant along-with his wife prepared forged consent letter dated 05.05.2008 and on that basis the right have been created over the part of the company. It is further submitted by the counsel for the applicant that para-4 of the complaint would show that similar allegation was made against the wife of the applicant alongwith the applicant that they have prepared forged consent letter and she has been enlarged on anticipatory bail vide order dated 24.06.2014 by the trial Court and the case of the present applicant is similar to that of co-accused wife who has been granted bail. He further referred to the order dated 14.08.2015 passed in M.Cr.C. (A) No. 975 of 2015 and submits that joint averment were made against this present accused along with the other co-accused who were witness to such alleged forged consent letter and they have been granted bail by the Coordinate Bench of this High Court, therefore, the present applicant may be enlarged on anticipatory bail on the ground of parity.

4. Mr. Verma learned counsel for the applicant on the merit of case would further submit that it is case of the complainant that on the date of preparation of consent letter dated 5.5.08, complainant alongwith his wife Smt. Meena Dubey was at Delhi and as such he was not present at the place of preparing the consent letter, whereas in the Civil suit No. 1-A/2010 filed by the co-accused/ Krishnanand Singh and Smt. Shikha Sing, who of the complainant Meena Dubey is a defendant No.2 and in the said civil suit, she has filed a written statement on 07.04.2010, in which she has stated that Atul Dubey gave his consent and accordingly consent letter dated 5.5.08 was prepared and the complainant was present in the meeting; therefore, it

can not be said that the document is forged document, as such, applicants are alleged to be the witness of the said consent letter are entitled to be released on anticipatory bail.

5. Per contra State counsel as well as the counsel for the respondent No. 2 opposes the prayer for grant of bail and submits that the applicant is the main culprit who has prepared the consent letter dated 05.05.2008. It is further submitted that it is alleged that wife of the applicant has not supported the case of the complainant, since wife had separated from the complainant, therefore, the consent of the wife have been used by the applicant, It is further contended that the consent letter dated 5.5.08 was forged in which present applicant stood as witness, therefore, the applicant is not entitled for anticipatory bail.

6. I have heard learned counsel appearing for the parties and perused the records.

7. It is not in dispute that the consent letter dated 5.5.08 was alleged to have prepared by this applicant Krishnanand Singh and Smt. Shikha Singh which is apparent from paragraphs four of the complaint filed by the complainant. It is also admitted position on record that wife of the applicant has been enlarged on anticipatory bail vide order dated 24.06.2014 by the trial Court. It is also on record that the complainant has claimed that he and his wife were not present at Ambikapur when the said consent letter was executed by him on 5.5.08 whereas in a civil suit No. 1-A/2010 filed by this applicant Krishnannad Singh and Smt. Shikha Singh complainant's wife Smt. Meena Dubey has been impleaded as defendant No. 2 and she has not supported the case of the complainant herein and stated that the consent letter was executed on 5.5.08 by the complainant Atul Dubey.

8. Taking into consideration the facts and circumstances of the case and further taking into consideration that the wife of the applicant has already been enlarged on bail by the trial Court on whom the similar allegation has been levelled and the other co-accused are the witnesses have already been enlarged on bail by the Coordinate Bench of this High Court in M.Cr.C. (A) No. 975 of 2014, this Court is of the opinion that the present is the fit case, the applicant should be enlarged on anticipatory bail.

5. 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 executing a personal bond in sum of Rs.25,000/- with one local 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) the applicant shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

Sd/-

(Goutam Bhaduri)

JUDGE