

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1222 of 2015

1. Purendra Kumar Chivram S/o Budhram Singh Aged About 56 Years Caste - Halba, R/o New Adarsh Nagar, Durg, Plot No. 52, District - Durg Chhattisgarh

2. Bharat Singh Sahu S/o Punuram Sahu Aged About 62 Years Caste - Teli, R/o Village - Heerapur, Tahsil & District - Balod Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station - Balod, District - Balod Chhattisgarh

---- Respondent

For applicants – Shri B.P. Singh, Advocate.

For Respondent/State – Shri Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

3/02/2016

1. This application under Section 438 of Cr.P.C. has been filed by the applicants apprehending their arrest in connection with Crime No. 200 of 2015, registered at Police Station Balod, District-Balod (C.G.) for offence punishable under Section 420, 467, 468 of the Indian Penal Code.

2. At the very outset, learned counsel for the applicants submits that he do not want to press bail application in respect of applicant No.1 Purendra Kumar Chivram.

3. Accordingly, bail application in respect of applicant No.1 Purendra Kumar Chivram is dismissed as not pressed.

4. As per the prosecution case one sale deed was executed in favour of Vijay Singh by Aaso Bai in respect of khasra no.388 area 0.59 hectare at village Jhalmala for Rs.2 lakhs and by playing fraud without payment of the sale consideration the sale deed was got registered. It is case of the prosecution that applicant No.2 Bharat Singh Sahu being document writer

has written that sale deed.

5. Learned counsel for the applicants submits that allegation against applicant No.2 Bharat Singh Sahu is only that he has scribed the sale deed and he has no role to play as entire allegation was on Vijay Singh and Vijay Singh subsequently has entered into compromise with Aaso Bai and the land which is alleged has been returned back by judgment of the court. He relied on the judgement of the court in Civil Suit No.29-A/2015, therefore considering the allegation, applicant may be granted benefit of anticipatory bail.

6. Learned State counsel do not dispute the fact that allegation against this applicant No.2 is that he is a document writer.

7. Taking into fact that by judgement and decree land has been alleged to have been returned back to the original plaintiff and further taking into allegation and also considering the case diary and the documents, I am inclined to extend benefit of anticipatory bail to applicant No.2 Bharat Singh Sahu.

8. Accordingly, the anticipatory bail application in respect of applicant No.2 Bharat Singh Sahu is allowed and it is directed that in the event of arrest of the applicant No.2 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 No.2 shall also abide by the following conditions:-

- (i) that the applicant No.2 shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that the applicant No.2 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 No.2 shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) the applicant No.2 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