

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 824 of 2016**

1. Smt. Pratima Borode W/O Shri Dadarao Borode Aged About 48 Years R/O Qtr. No. 3/E. Street Avenue/E. Sector-6, Bhilai, Tahsil And District Durg Chhattisgarh.
2. Dadarao Borode S/O U.R. Borode Aged About 51 Years R/O Qtr. No. 3/E. Street Avenue/E. Sector-6, Bhilai, Tahsil And District Durg Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh Through District Magistrate, Durg, District Durg Chhattisgarh.

---- Respondent

For Applicants : Mr. Tarendra Kumar Jha, Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****07-09-2016**

1. This application under Section 438 of Cr.P.C has been filed by the applicants apprehending their arrest in connection with Crime No. 350 of 2016 registered at Police Station Mohan Nagar, District Durg (CG) for offence punishable under Sections 420, 467 and 468 of the IPC.
2. Case of the prosecution, in brief, is that a complaint was made by one Triveni Bai under Section 156 (3) of the Cr.P.C., on the basis of which a direction was issued to Police by the Chief Judicial Magistrate, Durg, to investigate the matter wherein it is alleged that the applicants have got the plot No.43 transferred in their names by false signature of Triveni Bai and got the super structure over the plot No.43 also in their names and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicants would submit that as per Annexure A/3 initially plot No.43 was allotted by District Industry Centre to the husband of Triveni Bai in the year 1970 and the same was directed to be canceled in the year 1977 and thereafter the lease was transferred in the name of the present applicants and the lease was granted on 29-5-2013 (Annexure A/9) in favour of the present applicants. It is further submitted that with respect to super structure which was over the lease land, complainant has executed a sale deed in favour of the present applicants by a registered sale deed and Triveni Bai also received a cheque through applicants which was clear through bank account of applicant No.2 which would be evident from a copy of bank account of applicant No.2 (Annexure A/11). It is further submitted that initially Police investigated the matter and found that no offence has been committed and a false complaint has been made by Triveni Bai against the applicants, therefore, no case is made out against the applicants. He would further submit that considering the facts of the case, the applicants may be extended the benefit of anticipatory bail.
4. Per contra, 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 other documents which would show that lease deed was executed in favour of the applicants by District Industry Centre and also sale deed of the super structure was executed by Triveni Bai in favour of the present applicants.
6. Considering the facts and circumstances of the case, nature of allegations leveled against the applicants and further considering

the documents, I am inclined to extend the benefit of anticipatory bail to the applicants.

7. 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 each of them executing a personal bond in the sum of Rs.25,000/- with one local surety 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) 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

Raju