

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 921 of 2016**

Kailash Nath Razdan, S/o. Late Narendra Nath Razdan, aged about 84 years, R/o. Mahalpara, Baikunthpur, Police Station & Post Baikunthpur, District – Korea (C.G.)

----Applicant

Versus

State of Chhattisgarh, Through : Police Station Baikunthpur, District – Korea (C.G.)

---- Respondent

AND**M.CR.C.(A). No. 922 of 2016**

Deepak Razdan, S/o. Kailash Nath Razdan, aged about 56 years, R/o. Mahalpara, Baikunthpur, Police Station & Post Baikunthpur, District – Korea (C.G.)

----Applicant

Versus

State of Chhattisgarh, Through : Police Station Baikunthpur, District – Korea (C.G.)

---- Respondent

For Applicants : Mr. Manoj Paranjpe, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****07/10/2016**

1. Apprehending arrest in connection with Crime No.11/2016 registered at Police Station- Baikunthpur, District – Korea (C.G.), for offence punishable under Section 420, 467, 468, 471 of the Indian Penal Code, the applicants have preferred these applications for grant of anticipatory bail.
2. As per the prosecution case, a report was made by one Suraj Prasad Ganju, husband of one Ranjana Ganju that the present applicants had submitted false affidavit to claim the joint property to show that Ranjana Ganju died issue less, whereas she is having issues, therefore on the basis of such affidavit and submission the

name of Ranjana Ganju was deleted and consequently the mutation did not took place. On a report being made, the FIR was directed to be registered.

3. Learned counsel for the applicants would submit that dispute is with respect to the claim of the property and the property initially belonged to one Narendra Nath, who died in the year 1965, who has two sons namely Kailash Nath Razdan and Prakash Mohan and three daughters namely Shila, Rajkumari and Ranjana Ganju and Suraj Prasad Ganju is the husband of Ranjana Ganu. Ranjana Ganju died in the year 2007. It is submitted that in the year 1993 a family arrangement took place by Annexure A/2 and respective parties were placed to their part of share and Prakash Mohan had sold the part of property, which has fallen to his share and thereafter, he filed a complaint before the CJM, which was dismissed and the police complaint was also dismissed by Annexure A/6. Thereafter, the husband of Ranjana Ganju had filed a complaint, who is brother-in-law, therefore, submits that under the facts of this case, no offence is made out and the dispute is for claim of the property and no custodial interrogation would be required. Therefore, the counsel prays that the applicants may be extended the benefit of Section 438 of Cr.P.C.
4. Per contra, learned counsel for the State opposes the application for grant of bail.
5. I have heard learned counsel for the parties.
6. Perused the case diary and the documents. Documents purports the family arrangement took place in the year 1993. Thereafter, certain complaints were filed by brother Prakash Mohan, which was dismissed and the police complaint was also dismissed. Thereafter, husband of one of the sister is raised similar allegation and

consequent upon it, FIR was registered. Taking into the facts and circumstances of the case and further considering the nature of dispute this Court is inclined to extend the benefit of anticipatory bail to the applicants, as no custodial interrogation may be required in this case.

7. Accordingly, the anticipatory bail applications are 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 executing a personal bond in 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 today.

Sd/-
(Goutam Bhaduri)
Judge