

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 939 of 2016**

1. Rameshwar Pandey, S/o. Rakesh Kumar Pandey, aged about 34 years, R/o. 7, Mohan Nagar, Dhamdha Road, Durg, Tahsil and District – Durg (C.G.)
2. Subhash Surana, S/o. Khemchand Surana, aged about 35 years, R/o. Near Farishta Complex, Durg, Tahsil and District – Durg (C.G.)

----Applicants**Versus**

1. Madhu Yadav, D/o. Mehattar Yadav, aged about 48 years, R/o. Near Uttam Cycle Stores, Azad Chowk, Kasaridih, Durg, Tahsil and District – Durg (C.G.)
2. State of Chhattisgarh, Through : Station House Officer, Police Station : City Kotwali, Durg (C.G.)

---- Respondent

For Applicants	: Ms. Smita Jha, Advocate
For Respondent No.1	: None present.
For Respondent/State	: Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****18/11/2016**

1. Apprehending arrest in connection with Crime No.14/2015 registered at Police Station- City Kotwali, Durg, District – Durg (C.G.), for offence punishable under Section 420, 467, 468, 471, 120B, 34 of Indian Penal Code, the applicants have preferred this application for grant of anticipatory bail.
2. As per the prosecution case, a complaint was made by the respondent No.1, Madhu Yadav that the applicants have created forged agreement to sale the land bearing Kh.No.707 admeasuring area 0.307 hectare at village – Kasaridih though the complainant

has not executed any agreement for the same. On such complaint under Section 156(3) of Cr.P.C., the Court has directed for investigation and FIR has been registered. Thereby the offence has been committed.

3. Learned counsel for the applicants would submit that the case was for specific performance and civil suit was filed by the applicants, wherein compromise has been affected, which would be evident from the order of the Lok Adalat dated 13.02.2016 of Third Additional District Judge, Durg. The counsel further referred to the document Annexure A/3 filed along with the bail application supported by an affidavit, wherein the complainant has stated that she do not want to continue with the complaint which is under Section 420, 467, 468, 471, 34 of I.P.C. of the crime No.14/2015, therefore, the counsel prays that the applicants may be extended the benefit of Section 438 of Cr.P.C.
4. The respondent No.1 though served but did not turned up.
5. Per contra, learned counsel for the State opposes the application for grant of anticipatory bail.
6. I have heard learned counsel for the parties.
7. Considering the documents filed along with the bail application and the order of the Lok Adalat and the affidavit of the complainant, this Court is inclined to extend the benefit of anticipatory bail to the applicants, as no custodial interrogation may be required in this case.
8. 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 executing a personal bond in sum of Rs.25,000/- with one 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) 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 as per rules.

Sd/-
(Goutam Bhaduri)
Judge