

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.(A) No. 935 of 2016

Sanjay Agrawal S/o Shri Mahangilal Agrawal Aged About 46 Years
R/o Schoolpara, Thana & Tehsil Baikunthpur, District Korea,
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police
Station Baikunthpur, District Koriya, Chhattisgarh.

---- Respondent

For applicant – Shri Amrito Das, Advocate.
For Respondent/State – Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

9/11/2016

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 66/2016 registered at Police Station Baikunthpur District Korea, Chhattisgarh for offence punishable under Sections 420, 467, 468 and 471 of IPC.
2. As per the prosecution case, one Naval Ram who was son of Mohan Bargaah made a complaint that the present applicant in connivance with one Balram in whose favour Mohan Bargaah has got sale deed executed on 14/08/2015 depriving his son and the basis of acquisition of property was forged will and forged sale deed. Thereby, offence is committed.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the case. Mohan Bargaah has executed a will on 22/09/2011 in favour of his grand son Balram who got his name mutated on 28/05/2015 and the applicant who is bonafide purchaser

purchased the same by registered sale deed on 14/08/2015 and before purchase publication was also made which was not objected. It is further submitted that after that civil suit has been filed for declaration on 30/04/2016 which is filed on record. He submits that no offence has been committed and the complainant has tried to change the tenure of the case from civil right to criminal, therefore under the facts of the case, the applicant may be granted benefit of anticipatory bail.

4. Learned State counsel opposes the prayer for grant of anticipatory bail.

5. Perused the case diary and the respective documents filed by the applicant. Certified copy of sale deed and copy of the civil suit is also on record wherein the applicant is also a party. Suit is for declaration and injunction, cancelling of sale deed and will dated 22/09/2011. Taking into such facts and circumstances, I am inclined to extend benefit of anticipatory bail to the applicant.

6. 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 him by the said Court till disposal of the trial.

Sd/-
(Goutam Bhaduri)
JUDGE