

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 1052 /2016

Sanjay Sahu @ Sujay Sahu, S/o. Jagarnath Sahu, Aged About 40 Years,
Caste Teli, R/o. Vakeel Colony, Surajpur, Police Station, Tahsil & District
Surajpur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Surajpur, District
Surajpur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Ashok Kumar Shukla, Advocate
For Respondent	:	Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22/12/2016

1. Apprehending arrest in connection with Crime No.336/2016 registered at Police Station- Surajpur, District Surajpur (C.G.) for the offence punishable under Section 419, 420, 465, 467, 468, 471, 120-B of Indian Penal Code, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, one property of Kailash was sold by Mangal Sai by falsely personified himself as Kailash wherein this applicant was attesting witness to the sale deed. It is alleged that the sale was made in connivance with each other by forged and fabricated documents.
3. Learned counsel for the applicant would submit that the applicant is only the witness to the sale deed and the role attributed to this present applicant has to be ascertained during the trial and at this stage no allegation can be attributed to this present applicant that he was a party to the fraud, therefore, he may be released on anticipatory bail.

4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.
5. Perused the case diary and the documents. The present applicant was an attesting witness to the sale deed. Considering the facts and circumstances of this case, this is not a case where the benefit of Section 438 of Cr.P.C. can be extended to the applicant.
6. Accordingly, the bail application filed under Section 438 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge