

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. CRIMINAL CASE (A) NO. 1413 OF 2016

1. Indrajit Singh Thakur, S/o Shri R.S. Thakur, aged about 45 years, R/o Block Road Tahsil Chowk, Takhatpur, Tahsil Takhatpur, District Bilaspur (C.G.)
2. Suresh Singh Thakur, S/o Late Chandan Singh Thakur, aged about 49 years, R/o Pandariya Road Takhatpur, Police Station & Tahsil Takhatpur, District Bilaspur (C.G.)

... Applicants

Versus

State of Chhattisgarh, through Station House Officer, Police Station: Takhatpur, District Bilaspur (C.G.)

... Non-applicant

For Applicants	:	Mr. Amit Singh, Advocate.
For Non-applicant/State	:	Mr. Ashish Shukla, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

10/05/2017

1. The present application has been filed under Section 438 of CrPC for grant of anticipatory bail to the Applicants who are apprehending their arrest in connection with Crime No. 228 of 2011, registered at Police Station- Takhatpur, District- Bilaspur, for the offence punishable under Sections 419, 420, 465, 467, 468, 471, 167, 212, 217 & 120-B of IPC.
2. Case as per the prosecution against the Applicants is that the Applicants and the other accused persons is said to have connived together and sold a land which originally belongs to one SRM Foundation located in Village Deori and Khamariya at Takhatpur and Bilaspur main road. The case is that the property belonging to one SRM Foundation was sold to different persons on a fake power of attorney executed in favour of one G.R. Ramchandra Mohan. Further case is that the present Applicants is said to have got the documents in respect of the sale prepared including the sale deed as well as B-1 Khasra document required for sale. It is

alleged that the present Applicants is said to have attached the B-1 Khasra prepared on 1.6.2011 to the registered sale deed executed on 30.5.2011, that is to say, the document B-1 Khasra was attached on sale deed which was already executed two days ago.

3. Learned Counsel for the Applicants submits that the role of the Applicants was only that of preparing of the documents and that they have not played any other role except for preparing the documents and the rest of the act has been done by other persons/accused persons and that what the Applicants have done is only pure discharge of their professional assignment and they are not involved in any manner in the alleged illegal transaction. He also submits that the other accused persons have also been granted anticipatory bail.

4. Learned Counsel for the State however opposes the bail application on the ground that the nature of allegation seems to be serious as the land belonging to somebody else is being sold by a group of accused persons and the present Applicants also belong to the said group.

5. Considering the facts and circumstances of the case, more particularly the nature of role played by the present Applicants being that of only preparation of the documents and the registration and all other activities have been done by the different persons, this Court is of the opinion that a prima facie strong case for grant of anticipatory bail is made out.

6. Accordingly, the present application under Section 438 of CrPC is allowed. It is directed that in the event of arrest of the Applicants in connection with Crime No. 228 of 2011, registered at Police Station- Takhatpur, District- Bilaspur, for the offence punishable under Sections 419, 420, 465, 467, 468, 471, 167, 212, 217 & 120-B of IPC, if each of them furnishes a personal bond for a sum of **Rs.25,000/- with one surety**

of the like amount to the satisfaction of the concerned arresting/investigating officer or the Court concerned, as the case may be, then they shall be released on bail on the following further conditions :

- (i) that the applicants shall make themselves available for interrogation before the concerned 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.

/sharad/

Sd/-
(P. Sam Koshy)
Judge