

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 958 of 2017**

Mansha Ram Tandon, S/o. Mani Ram Tandon, aged about 40 years, R/o. Mission Parshabadar Balodabazar, Police Station – City Kotwali Balodabazar, District – Balodabazar – Bhatapara (C.G.)

----Applicant**Versus**

State of Chhattisgarh, Through : Police Station, City -Kotwali, Balodabazar – District – Balodabazar – Bhatapara (C.G.)

---- Respondent

For Applicant	: Mr. T.K. Tiwari, Advocate
For Respondent/State	: Mr. Neeraj Jain, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****13/12/2017**

1. Apprehending arrest in connection with Crime No.207/2016, registered at Police Station – City Kotwali, Balodabazar, District Balodabazar – Bhatapara (C.G.) for offence punishable under Section 419, 420, 467, 468, 471/34 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case and he has played no role in execution of alleged sale deed, which is said to have been executed by misrepresentation by some other person. He is not a signatory to any of the documents of sale or agreement and on mere statement given by some witness, it can not be said that applicant is guilty of any offence of impersonation, cheating

and forgery of any valuable security. Hence, it is prayed that the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submission made in this respect. It is submitted that there is statement against the applicant that he was present through out and has facilitated the execution of sale deed, which has resulted in the commission of the offence, hence, it can not be said that applicant has no role to play and also that applicant may be required for interrogation during the course of investigation, hence, the applicant may not be released on anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents.
5. The brief facts of the case are that the land in question was in joint ownership of Tukaram, Tularam and Keja Bai. The co-owners Tuka Ram and Keja Bai were dead before the date of incident. A sale deed of the land in question was executed on 05.05.2015 by Tukaram, Tularam and Kejabai. On complaint made by the complainant – Laharam Koshle stating that Tukaram and Tularam were dead and in their place, some other persons have impersonated and executed the sale deed, the FIR has been registered and one of the witnesses has stated that the applicant was present during the negotiation and the execution of the sale deed.
6. Considered the submissions made and the contents of the case diary. Taking into consideration this fact that there is only one witness who has stated about the presence of applicant as facilitator in the agreement and the applicant is not a signatory to

any document or sale deed, taking into consideration of this fact, this Court is inclined to extend the benefit of Section 438 of Cr.P.C.

7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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 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) that 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge