

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 421 of 2017**

- Tandan Lal S/o Shankarlal Kanwre, Aged About 63 Years R/o Ganjpara, Balod Ward No.11, Police Station And District Balod, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Balod, District Balod, Chhattisgarh

---- Non-applicant

For Applicant:	Mr. P.P. Sahu, Advocate
For State:	Mr. S.K. Mishra, Panel Lawyer

SB: Hon'ble Shri Justice P.Sam Koshy**Order On Board****14.06.2017**

1. Apprehending arrest in connection with Crime No. 142/2017 registered at Police Station- Balod, District Balod (C.G.), for offence punishable under Section 420 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. The allegation against the present Applicant as per the prosecution case is that the present Applicant is said to have prepared a false Power of attorney in his name for the premises belonging to one Kishan Lal. Thereafter using the said power of attorney he is said to have executed tenancy deed with the complainant and has also taken advance money and has also been collecting monthly rent for the said property from the

Complainant.

3. Learned Counsel for the Applicant submits that it is the case where there is a civil dispute pending between Kishan Lal who has executed power of attorney in favour of the present Applicant and one Ramesh Gandhi who was the original owner of the suit premises. The dispute was in respect of the suit for specific performance as Kishan Lal was seeking enforcement of the agreement to sell. The Complainant in connivance or at the behest of Ramesh Gandhi has lodged the present complaint.
4. The nature of the complaint and the dispute between the complainant and the present applicant appears to be purely a civil dispute. Moreover, the complainant is only in possession of the property as a tenant at the behest of the present Applicant. If the complainant was not interested in the premises he could have easily left the said premises and could have taken back his advance money given to the present Applicant.
5. Considering the nature of the dispute between the parties and the nature of the allegation leveled, this Court is of the opinion that a strong case for grant of anticipatory bail has been made out.
6. Accordingly, the MCRCA is allowed.
7. 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.

Sd/-

(P. Sam Koshy)
V. JUDGE