

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.(A) No. 1023 of 2016

Prakash Agrawal S/o Shankar Lal Agrawal Aged About 38 Years
R/o Adarsh Nagar, Seetapur, Police Station & Post Seetapur,
District Surguja, Chhattisgarh.

---- Applicant

Versus

1. State Of Chhattisgarh Through Police Station Seetapur,
District Surguja, Chhattisgarh.
2. Savitri D/o Tilu Das Aged About 39 Years R/o Village Sontarai,
Post Devgarh, Police Station Seetapur, District Surguja,
Chhattisgarh.

---- Respondents

For applicant – Shri Manoj Paranjpe, Advocate.
For Respondent/State – Shri Anil S. Pandey, G.A.
No representation is made on behalf of respondent No.2 despite notice.

Hon'ble Shri Justice Goutam Bhaduri

Order

2/02/2017

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Complaint Case No.56/2016 registered at Police Station Seetapur, District Surguja (C.G.) for offence punishable under Sections 420, 465, 468 read with Section 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that a complaint was filed by non-applicant No.2/complainant namely Savitri that the applicant in connivance with other co-accused Smt. Kaushilya, who is Sarpanch and Patwari Ram Kumar Ram got name mutated of Pooja Agrawal in respect of Khasra Nos. 622 and 623 despite the fact that said land was not sold by respective owners. It is further alleged that the applicant was instrumental in execution of the said forged sale deed whereby name was eventually mutated.

3. Learned counsel for the applicant submits that in the similar set of facts other co-accused namely Pooja Agrawal and Smt. Kaushilya have been enlarged on bail vide M.Cr.C.(A) Nos.753 and 785 of 2016 and case of the applicant is similar to that of the co-accused who have been enlarged on bail, therefore the applicant may be granted benefit of anticipatory bail.

4. Learned State counsel is not able to dispute the fact that similarly placed co-accused namely Pooja Agrawal and Smt. Kaushilya have been enlarged on bail vide M.Cr.C.(A) Nos.753 and 785 of 2016.

5. Considering the facts and circumstances of the case and also for the fact that similarly placed co-accused namely Pooja Agrawal and Smt. Kaushilya have been enlarged on bail vide M.Cr.C.(A) Nos.753 and 785 of 2016, 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 trial court. 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