

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 831 of 2017**

1. Nohar Singh S/o Rajaram, Aged About 50 Years R/o Village Nimdha, P.S. & Tah. Marwahi District Bilaspur, Civil And Revenue District Bilaspur, Chhattisgarh, Present Address Panchayat Teacher, Kuurgoda, P.O. Cholna, Tahsil Jaithari, District Anuppur (M.P.)
2. Kusum Singh W/o Nohar Singh, Aged About 45 Years R/o Village Nimdha, P.S. & Tah. Marwahi District Bilaspur, Civil And Revenue District Bilaspur, Chhattisgarh, Present Address R/o Kuurgoda, Tahsil Jaithari, District Anuppur (M.P.)

---- Applicants**Versus**

State Of Chhattisgarh Through Police Station Marwahi, District Bilaspur, Chhattisgarh

---- Respondent

For the Applicants	:	Shri Manoj Kumar Sinha, Advocate.
For the Respondent/State	:	Shri O.P. Sahu, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****27.11.2017**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicants who are apprehending arrest in connection with Crime No. 137 of 2017, registered at Police Station – Marwahi, District – Bilaspur, Chhattisgarh for the offence punishable under Section 420/ 34 of the Indian Penal Code.
3. It is submitted by counsel for the applicants that the applicants are innocent and have been falsely implicated in this case. The owner of the

land in question, complainant – Pyare Lal is the uncle of applicant No.1 -Nohar Singh who transferred his landed property in the name of applicant No.2 – Kusum Singh on 26.10.2015 by a registered sale deed after payment of full consideration. After passing of a year, complainant – Pyare Lal on 23.11.2016, lodged a written complaint in police station Marwahi alleging in it that the said registered sale deed was not executed by him and he has not received any consideration for the same. Hence, the sale deed was not executed by him and on the basis of which the offence has been registered and both the applicants are wanted in that case. This is totally a false complaint lodged by the complainant. Hence, it is prayed that the applicants be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the investigation is in progress, hence, the applicants should not be benefited with grant of anticipatory bail at this stage.

5. Heard counsel for both the parties and perused the case diary.

6. Considering the case against the applicants mentioned herein above and the submissions made by counsel for the applicants as also the copy of registered sale deed, filed alongwith the application, which shows the payment of consideration and execution of sale deed by the complainant and looking to the fact that the said sale deed is still existing, I am of the considered view that in this case the applicants deserve to be enlarged on bail.

7. Accordingly, the anticipatory bail applications are allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the Officer arresting them 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. They shall also abide by the following conditions:

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

Sd/-

(Rajendra Chandra Singh Samant)
Judge