

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 1265 /2016

Rajesh Thakur, S/o. Shri Indrabhushan Thakur, Aged About 60 Years, R/o. 201, G.T. Heights, Shankar Nagar, Raipur, District Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station- Purani Basti, Raipur, District Raipur, Chhattisgarh

---- Respondents

For Applicant	:	Mr. T.K.Jha, Advocate.
For Respondent	:	Mr. Sameer Behar, Panel Lawyer
For Objector	:	None appears.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09.03.2017

1. Apprehending arrest in connection with Crime No.380 of 2016 registered at Police Station Purani Basti, Raipur, District Raipur (C.G.) for the offence punishable under Sections 420 of Indian Penal Code, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, a report was made by Piyush Jha that he had executed two power of attorney one in respect of the house of Shankar Nagar in favour of the present applicant and another power of attorney was executed in respect of the house of Khamhardih in favour of Sweta, daughter of the present applicant, on 19.05.2014. Subsequently, the power of attorney was canceled by a registered deed on 28.07.2014 and the publication was also made and despite that the sale deed was executed on 10.11.2014

on the basis of the power of attorney and same was executed in favour of the present applicant himself and his daughter.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated, the nature of allegation appears to be civil in nature and the parties have entered into compromise, therefore, no offence is made out. He further submits that the applicant was being treated for his ailment i.e. Cancer, therefore, he may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.
5. Perused the case diary and also the agreement of settlement. No representation is made on behalf of the complainant/objector. Taking into the settlement arrived at in between the parties and the facts involved in this case, I find it to be a fit case where the benefit of Section 438 of Cr.P.C. can be extended 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 furnishing a personal bond to a 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.

Ashok

Sd/-
(Goutam Bhaduri)
Judge