

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M. Cr. C. (A) No. 219 of 2017**

Awadh Ram Soni S/o Late Talu Ram Soni, aged about 64 years (wrongly mentioned as Awadh Kumar Soni) Cast Soni, R/o Village Mohala, Post & Tahsil Mohala, District Rajnandgaon, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh through District Magistrate, Rajnandgaon, District Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Amiyakant Tiwari, Advocate
For Respondent/State	:	Shri Ashish Shukla, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****17/05/2017**

The present application under Section 438 of Cr.P.C. has been filed seeking for grant of anticipatory bail to the applicant apprehending his arrest in connection with Crime No. 15/2016 registered at P.S. Bortalab, Rajnandgaon (CG) for the offence punishable under Sections 420, 120-B, 467, 468, 471 of IPC.

2. The allegation against the present applicant as per the prosecution is that the applicant is said to have given a copy of a document on the basis of which the sale of a property is initiated. As per the prosecution, Khasra No.765/2 is in fact a forest land which has been given on lease to one Charan S/o Fatiya. The said land is not a property which is exclusively owned by Charan S/o Fatiya and the applicant is said to have issued a copy of the document showing Charan S/o Fatiya to be the owner of the said property for the purpose of sale.

3. Counsel for the applicant referring to Annexure A-2 filed along with this application submits that all that the applicant has done is that of providing a copy of the document showing Charan S/o Fatiya to be the owner of the

property. He submits that the applicant has not committed any fraud nor has he made any manipulation in the said document. The applicant has only issued a copy of the document on the basis of the entries available in the revenue records. He further submits that Annexure A-2 shows that the entries that were made in the year 1993-94 to 1997-98, the certified copy of which has been obtained on 15.02.2017 i.e. just before filing of the present anticipatory bail application and even on that date, it is Charan S/o Fatiya who has been shown to be the owner of the said property in the capacity of Bhumiswami.

4. Taking into consideration the fact that the role of the applicant being only of issuing a copy of the document and he is not in any manner associated with the sale of the said property, this Court is of the opinion that prima facie, a strong case for grant of anticipatory bail has been made out.

5. In the result, the application u/s 438 Cr.P.C. is allowed. It is directed that in the event of arrest, the present applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the Officer arresting him or the Court concerned, as the case may be, with the following terms and conditions:

- (i) that the applicant shall make himself available for interrogation before the concerned 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)
Judge