

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No.79 of 2018**

Shailendra Vadhera, S/o Late Shri D.P. Vadhera, Aged about 64 years,
R/o – HIG D.D. Housing Board Colony, Behind Suncity, Hatkachora, Jag-
dalpur, District Bastar (CG)

-----Applicant

Versus

State of Chhattisgarh, through Police Station - City Kotwali, Jagdalpur,
District Bastar (CG)

---- Non-applicant

For applicant	:	Mr.D.K. Gwalre, Advocate
For Non-applicant	:	Mr.Anand Dadariya, Dy. Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

26-03-2018

1. Apprehending arrest in connection with Crime No.138/2016, registered at Police Station – City Kotwali, Jagdalpur, Bastar (CG), for the offence punishable under Section 420 of the IPC, the applicant has filed this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. Case of the prosecution, in brief, is that the applicant made a false statement before the Revenue Authority after the death of his father and got the entire property registered in his name claiming to be the exclusive owner of the property and thereby committed the aforesaid offence.
3. Learned counsel appearing for the applicant would submit that there is a dispute between the applicant and his sisters. The written complaint has been made by Shalini Pal Jouhar, sister of the

applicant, stating that property got transferred in the name of applicant through mutation proceedings by Revenue authority after the death of Shri Dwarka Prasad Vadhera on 08-07-2009. Three civil suits filed by the complainants against the applicant are pending and in all cases, the relief of declaration of title, permanent injunction and possession has been claimed by them and the application for temporary injunction has been rejected by order dated 15-05-2015 against which the complainants preferred an appeal bearing Misc. Appeal No.1/2015 which was also dismissed vide order dated 18-09-2017. Owing to the aforesaid dispute between the parties, an application has been filed by one of the sisters namely, Shubra Prakash. The criminal complaint has been rejected on 02-09-2014 and now the FIR has been lodged on 09-05-2016 at the behest of another sister namely Shalini Pal Jouhar, as such, the applicant may be granted anticipatory bail.

4. On the other hand, learned Government Advocate appearing for the State while opposing the bail application would submit that the applicant has grabbed the entire property by making aforesaid declaration before the Revenue Authority and transferred the property to third person, therefore, it is not a fit case for grant of anticipatory bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the facts and circumstances of the case, further taking into consideration the nature and gravity of offence, it is not in dispute that the aforesaid declaration suits have been filed and

possession has been claimed and the application of temporary injunction has been rejected that has been affirmed in appeal, the criminal complaint which has already been filed by one of the sisters has been dismissed, FIR was lodged on 09-05-2016 and in particular pendency of civil suit between the parties, this Court is inclined to extend the benefit of anticipatory bail in favour of the applicant.

7. Accordingly, this 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 his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating/ Arresting Officer. The applicant shall also abide by the following conditions:-

- (i) that he shall make himself available for interrogation before the concerned Arresting/Investigating Officer as and when required;
- (ii) that he shall not, directly or indirectly, make any inducement, threat or promise to the 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 he shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that he shall also appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Sanjay K. Agrawal)
JUDGE

