

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 23 of 2018

1. Harprasad Jaiswal, S/o Kanhaiyalal Jaiswal, Aged about 59 years.
2. Goldi Jaiswal, S/o Shri Harprasad Jaiswal, aged about 34 years,
3. Amit Kumar Jaiswal, S/o Shri Harprasad Jaiswal, aged about 33 years.

All are R/o Village- Nawagaon, Katghora, Police Station- Katghora, District- Korba (Chhattisgarh).

---- Applicants

Versus

- State of Chhattisgarh: Through- Police Station- Katghora, District- Korba

---- Non-applicant

And

MCRCA No. 54 of 2018

1. Smt. Vimla Devi Jaiswal W/o Harprasad Jaiswal, aged about 48 years.
2. Ramnarayan Jaiswal S/o Mohanlal Jaiswal, aged about 70 years.

Both are R/o Village- Nawagaon, Katghora, Police Station- Katghora, District-Korba (Chhattisgarh).

---- Applicants

Versus

State of Chhattisgarh: Through- Police Station- Katghora, District- Korba, Chhattisgarh.

---- Non-applicant

For Applicants :Mr.A. K. Prasad, Advocate.
For the State :Ms. Smita Ghai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

05/04/2018

1. Since both the anticipatory bail applications arise out of the same crime number, they are being disposed of by this common order.
2. The applicants have preferred this bail application under Section 438 of Cr.P.C. apprehending arrest in connection with crime No.231/2014, registered at Police Station- Katghora, District- Korba (Chhattisgarh) for the offences punishable under Sections 294, 506, 420, 467, 468, 471, 34 of Indian Penal Code.
3. Learned counsel for applicants submits, that applicants are innocent and have falsely been implicated in this case. The sale-deed was executed on 03.06.1997 in favour of applicant Smt. Vimla Devi in MCRCA No. 54/2018 by the complainant and her two sisters for transfer of the land of their ownership. No question was raised by any of the executer till the year 2010. In the year 2010, complainant Janki Bai filed a civil suit challenging that in the said sale-deed, she was not one of the executor, but the same civil suit was dismissed in default in the year 2013. Subsequent to that an application under Section 156(3) of Cr.P.C. was filed before the Judicial Magistrate First Class, Katghora on which a report was called for from the concerned police-station. According to the report submitted, no case was made out against the applicants. The copy of that report is annexed as A-5. Even then the concerned Court has passed order for lodging the FIR against these applicants without there being any evidence regarding the alleged commission of offence. Hence, it is prayed that applicants be enlarged on anticipatory bail.
4. On the other hand, learned State counsel opposes the bail applications

and submits, that complainant Janki Bai made a statement that she was not a person, who was present at the time of execution of sale-deed. Hence it is yet to be investigated, therefore, they are not entitled for grant of Anticipatory Bail.

5. Heard both the parties and perused the case diary.
6. In this case it is observed that all the facts has been briefly discussed hereinabove and looking to the fact that sale-deed dated 03.06.1997 was executed in the presence of Registration Authority and the presence of Janki Bai has been marked by the Registrar, hence subsequent to that no question was raised till year 2010 and the order of registering FIR has been passed by the Concerned Magistrate even though the enquiry report has not supported the complaint by the complainant.
7. Considered on the submissions and the contents and material available on records, and looking to the investigation that has been done so far in this case, I am of the considered view that the applicants should be benefited for grant of anticipatory bail.
8. 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/- each with one surety in the like sum to the satisfaction of the concerned trial Court. The applicants 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 him/her 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 him by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Amita