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HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 120 of 2018**

1. Navratan Ram, S/o. Amruram, Aged About 49 Years, R/o. Village Dodka Chowk, Ghamariya, Caste -Mochi, Tahsil and District -Jashpur, Chhattisgarh.
2. Santu Ram, S/o. Navratan Ram, Aged About 23 Years, Caste-Mochi, R/o. Village Dodka Chowk, Ghamariya, Tahsil and District Jashpur Chhattisgarh.

----Applicants**Versus**

The State Of Chhattisgarh, Through: Police Out Post, Sonkayari, Police Station -Sanna, District -Jashpur, Chhattisgarh.

---- Respondent

For Applicants	: Mr. A.K. Prasad, Advocate
For Respondent/State	: Mr. Anupam Dubey, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****13/04/2018**

1. Apprehending arrest in connection with Crime No.57/2016, registered at Police Station – Sanna, Out Post - Sonkayari, District – Jashpur (C.G.) for offence punishable under Section 420, 467, 468/34 of the Indian Penal Code, the applicants have preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicants, that the applicants have been falsely implicated in this case. Both the applicants have simply attested the consent letter that was executed in their presence and they had no means to know that

consent letter was executed by impersonation or forgery. Apart from that the complainant and the co-accused Alexander have entered into a compromise and on that basis, the proceeding before the SDO on the complaint made by the complainant in this case has been disposed off. Hence, under these circumstances, it is prayed that the applicants be granted anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submission made in this respect. It is submitted that both the applicants had knowingly attested the consent letter having knowledge that the executant was not the complainant, hence they are not entitled for grant of anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. Complainant – Sibru Minz made a complaint to Superintendent of Police, Jashpur, alleging that his elder brother Alexander had forged the consent letter. According to which he was given authorization on behalf of the complainant for selling, transferring and receiving consideration of the land, which was jointly owned by the complainant and co-accused – Alexander. On the basis of the said consent letter, co-accused Alexander obtained the land in rehabilitation and compensation in exchange of the land acquired by the Hydro Power Pvt. Ltd.. Separate complaint was presented before the Collector, which was also enquired into. The allegations against these applicants are that they were the attesting witnesses of the said consent letter.
6. Considered the submissions made and the contents of the case diary and also perused all the documents attached with the

application. The certified copy of the proceeding before the SDO and the complaint made by the complainant disclosed that on the basis of the compromise between the main accused and the complainant, the complaint has been disposed off. This circumstance is certainly going to affect the investigation of this case also. Looking to the development that has taken place in this case, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicants.

7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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. 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 them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram