

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 125 of 2018**

1. Ashok Sharma S/o Late Krishna Kumar Aged About 26 Years R/o Village Aani Police Station Baikunthpur, District Korea Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh
2. Rajkumar Sharma S/o Late Krishna Kumar Aged About 24 Years R/o Village Aani Police Station Baikunthpur, District Korea Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh
3. Chandra Devi W/o Late Krishna Kumar Aged About 27 Years R/o Village Aani Police Station Baikunthpur, District Korea Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh
4. Radha Bai W/o Late Krishna Kumar Aged About 30 Years R/o Village Aani Police Station Baikunthpur, District Korea Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh
5. Sadhna Devi W/o Krishna Kumar Aged About 22 Years R/o Village Aani Police Station Baikunthpur, District Korea Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh
6. Goura Devi W/o Krishna Kumar Aged About 32 Years R/o Village Sawarawa, Police Station Baikunthpur, District Korea Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh
7. Shanti Bai W/o Umashankar Aged About 60 Years R/o Village Sawarawa, Police Station Baikunthpur, District Korea Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Police Of Police Station Baikunthpur District Korea Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh.

---- Respondent

For the Applicants : Shri Anil Gulati, Advocate.
 For the Respondent/State : Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****25.04.2018**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.

2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to applicants No. 3, 4 and 5 who are apprehending arrest in connection with Crime No. 216 of 2017, registered at Police Station – Baikunthpur, District – Korea, Chhattisgarh for the offences punishable under Sections 419, 420, 467, 468, 471 and 120B of the Indian Penal Code. Bail application of applicants No.1, 2, 6 and 7 was dismissed as withdrawn on 14.3.2018.

3. It is submitted by counsel for the applicants that applicants No.3, 4 and 5 have been falsely implicated in this case. No case is made out against applicants No.3, 4 and 5 on the basis of the material placed before the Court by the prosecution. After completion of investigation, the charge-sheet has been filed. The allegation that Geeta Bai was impersonated by one another for sale of the property, now is not a ground, as Geeta Bai herself has given statement before Tehsildar that she has no objection in the mutation and accordingly the mutation has been recorded in favour of the purchaser. Further, Geeta Bai has also made a complaint to the police that no forged registration of sale has happened, hence, the police should not harass her. Hence, under these circumstances, it is prayed that applicants No.3, 4 and 5 be benefited with grant of anticipatory bail in this case.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that it is a clear case of sale of property by impersonation. Hence, applicants No. 3, 4 and 5 are not entitled for grant of anticipatory bail.

5. Heard counsel for both the parties and perused the case diary.

6. According to the prosecution case, the sale deed was executed on 18.12.2016 by the joint owners of the land and one of the joint co-owner was Geeta Bai. As Geeta Bai had not appeared at the time of registration, one Shanti Bai impersonated as Geeta Bai for execution of the sale deed. It is alleged that these applicants were present at the time of execution of sale deed and were part of the conspiracy in execution of forged sale deed. Hence, this case.

7. Considering the entire material present in the case-diary and the development that has taken place and the statement of Geeta Bai before the Tehsildar that she had no objection for mutation of land in question which shows that there is change in circumstances in favour of these applicants, I feel inclined to grant anticipatory bail to applicants No.3, 4 and 5.

8. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of applicants No.3, 4 and 5 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. They shall also abide by the following conditions:

- '(i) that applicants No.3, 4 and 5 shall make themselves available for interrogation before the Investigating Officer as and when required;
- (ii) that applicants No.3, 4 and 5 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 them from disclosing such facts to the Court or to any police officer;

- (iii) that applicants No.3, 4 and 5 shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that applicants No.3, 4 and 5 shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge