

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRCA No. 227 of 2017**

- Vivek Kumar Jaiswal S/o Shri Manohar Lal Jaiswal, Aged About 37 Years, By Caste Kalar, R/o Village Pondi, Tahsil Manendragarh, District Koriya (Chhattisgarh).

**---- Applicant**

**Versus**

1. Shiv Ratri Jaiswal, W/o Manohar Jaiswal Aged About 44 Years R/o Village Rajband, Post Dhudhipkari, Salka, Thana Lakhanpur, District Sarguja (Chhattisgarh).
2. State of Chhattisgarh Through District Magistrate, District Baikunthpur Koriya, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

**---- Non-applicants**

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For Applicant : Mr. Parag Kotecha, Advocate.

For the State/Non-applicant No.2 : Mr. Anupam Dubey, Dy. G.A.  
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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**  
**Order On Board**

**31/01/2018**

1. Apprehending arrest in connection with Complaint Case No.2/2017 registered for offence punishable under Section 420 of IPC pending in the Court of Judicial Magistrate First Class, Baikunthpur at Chirimiri, District Korea, the applicant has filed this application under Section 438 of the Cr.P.C. for grant of anticipatory bail.
2. Learned counsel for applicant submits that applicant has been falsely implicated in this case. No case is made out against the applicant on the basis of material present. Basically there is a family dispute between the applicant and the respondent. The applicant and the respondent belong to the same family and there is a dispute regarding property between them. Further, it is submitted that the issue raised in

this complaint is regarding sale deed dated 20-07-2007. Hence, it is prayed that applicant be enlarged on anticipatory bail.

3. On the other hand, learned State counsel opposes the bail application.
4. Heard both the parties and perused the case diary.
5. Respondent No.1 and another have filed a complaint before the concerned Court alleging that after the death of Manohar Jaiswal, applicant who is son of step mother, has by giving false information to the Revenue Authority got the mutation of the landed property in his favour and making use of the same has transferred some lands by sale deed dated 20-07-2007 to Devmati Sahu. It is alleged that the appellant has committed fraudulent act. On the basis of preliminary enquiry cognizance has been taken by the trial Court.
6. Considered on the submissions and the contents of the case diary.
7. Taking into consideration all the material available on record, I am of the considered view that the applicant should be benefited for grant of anticipatory bail.
8. Accordingly, the anticipatory bail 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 executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. The applicant shall also abide by the following conditions :
  - (i) that the applicant shall make himself available for interrogation before the 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.

9. Certified copy as per rules.

**Sd/-**

**(Rajendra Chandra Singh Samant)**  
Judge

Kvr