

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 194 of 2018

Ramjit Sahu S/o Baijnath Sahu Aged About 45 Years R/o Village Nanka,
(Ramanujnagar), Police Station And Tahsil Ramanujnagar District Surajpur
Chhattisgarh, District

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Ramanujnagar District Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh

---- Respondent

For Applicant	:	Shri Anil Gulati, Advocate
For State	:	Shri Manish Nigam, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

27/04/2018

Heard.

1. This application under Section 438 of Cr.P.C. has been preferred by the applicant apprehending his arrest in connection with Crime No.238/2017, registered in Police Station -Ramanujnagar, District- Surajpur, for alleged commission of offence under Sections 420, 467, 468 & 471 IPC.
2. Case of the prosecution, in brief, is that the applicant interpolated the sale deed by which he had purchased property in dispute in respect of which a civil suit is pending in which the applicant and the complainant are contesting parties.
3. Learned counsel for the applicant would submit that an attempt has been made to abuse the process of law by registering a crime on the allegation of interpolation of sale deed which has been placed before the Civil Court and there is civil dispute between the applicant and complainant with regard to

demarcation of their respective adjacent land. Therefore, in these circumstances, the applicant may be protected.

4. On the other hand, learned counsel for the State opposed the application and submitted that the crime has been registered by the police because of the report lodged by the complainant that present applicant, in order to take benefit and to deceit the complainant, has interpolated his own sale deed.
5. This Court, prima facie, finds that the case of the prosecution against the applicant is based on alleged interpolation of a sale deed in respect of which a civil dispute is also pending before the Civil Court between the applicant and complainant and the issue relating to demarcation of respective land, possession and interpolation of sale deed are matters for consideration in civil proceedings. It is not a case of the prosecution that on the basis of an order passed under Section 195 Cr.P.C. by the Court where the document is presented, crime has been registered. Therefore, I am inclined to protect the applicant by granting him benefit of anticipatory bail.
6. The application is accordingly allowed. 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 arresting officer on his furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the arresting officer with following further conditions that:

(i) the applicant shall make himself available for interrogation by the police officer as and when required;

(ii) 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 from disclosing such facts to the Court or to any police officer;

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge