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**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C.(A) No. 260 of 2018**

Sishkumar Nag @ Sishupal S/o Late Subahu Nag Aged About 34 Years R/o-  
Village- Dobekhurd, Housing Board Colony Raipur, District-Raipur,  
Chhattisgarh., District : Raipur, Chhattisgarh.

**---- Applicant****Versus**

State Of Chhattisgarh Through- Station House Officer Civil Lines, Raipur,  
District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh.

**---- Respondent**


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For the Applicant : Shri Surfaraj Khan, Advocate.  
For the Respondent/ State : Shri Anupam Dubey, Dy. G.A.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****ORDER****04.05.2018**

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 the applicant who is apprehending arrest in connection with Crime No. 33341013180041 of 2018 registered at police station Civil Lines, Raipur, District Raipur, Chhattisgarh for the offence punishable under Sections 120-B, 420, 467, 468 and 471 read with Section 34 of the Indian Penal Code.
3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case only on the basis of the memorandum statement given by one co-accused person. None of the independent

witnesses has given any statement against this applicant and this applicant is not a party to the sale deed which is alleged to have been executed by impersonation. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the memorandum statement of one co-accused - Sheikh Immamuddin clearly shows that this applicant had actively participated in getting the land mutated and then getting the execution of sale deed registered. Hence, the applicant is 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 owner of the land in question is Mohd. Azam Khan alongwith other co-owners. This applicant and the other co-accused persons had an impression that the land is unclaimed and they moved an application for mutation in the name of the successor before the Revenue Authorities and subsequent to mutation proceedings, the land was sold to one co-accused person. Thereafter, the land has been sold twice. FIR has been lodged by the original land owner Mohd. Azam Khan in this case. There is a statement given by the co-accused person against this applicant on memorandum and on which the prosecution has to made investigation and so far the investigation has not been done after passing of above more than four months. Hence, looking to the circumstances that are present at this stage, I am of the view that the applicant should be benefited with grant of anticipatory bail.

7. 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 Investigating Officer. 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 them 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.'

**Sd/-**

**(Rajendra Chandra Singh Samant)**  
Judge