

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 293 of 2018**

Anil Agarwal, S/o. Late L. N. Agrawal, Aged About 70 Years, R/o. 601-602, Sangeet Sarita Apartments, In Front Of Breach Candy Hospital, Bhulabhai Desai Road, Police Station -Tardeo Police Station Mumbai Maharashtra.

---Applicant**Versus**

State Of Chhattisgarh, Through : The District Magistrate -Durg, Distt. Durg Chhattisgarh.

---- Respondent

For Applicant	: Mr. Jaydeep Singh Yadav, Advocate
For Respondent/State	: Mr. Anupam Dubey, Dy. G.A.
For Objector	: Mr. Avinash Chand Sahu & Mr. Vijay Kumar Sahu, Advocates

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****31/08/2018**

1. Apprehending arrest in connection with Crime No.996/2013, registered at Police Station – Durg, District – Durg (C.G.) for offence punishable under Section 420, 467, 468, 471, 34 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. False allegation has been made in the FIR that this applicant helped in preparation of forged power of attorney in the year 2007. The power of attorney when it was executed, the mother of the complainant Anguri Devi

was living and no such question was raised during her lifetime by the complainant, who is the real brother of this applicant. The power of attorney was used in the year 2013. The complainant having knowledge of the existing power of attorney filed a civil suit making this applicant and other co-accused persons party in that case, in which he could not succeed, hence, subsequently he lodged false FIR in the year 2013. Hence, no case is made out against the applicant. Therefore, it is prayed that the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that according to the evidence present in the case diary, no case is made out for grant of anticipatory bail.
4. Counsel for the objector submits that this applicant was hand in gloves with other co-accuse persons in preparation of forged power of attorney as the report of the hand writing expert shows that the signature of Anguri Devi on power of attorney do not match with her standard and undisputed signatures. Further this applicant has a criminal history of having being prosecuted for three criminal cases of similar cases earlier. Other co-accused persons are constantly engaged in such kind of activities, which amounts to commission of offence of forgery and cheating, hence, this applicant being their associate is not entitled for grant of anticipatory bail.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. The power of attorney of Anguri Devi, the mother of the complainant was executed in the year 2007 in which, this applicant

was a witness. In the year 2013, FIR has been lodged by the complainant making allegation that forged power of attorney was prepared and made use of for transferring the lands, because of which he has been cheated.

7. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the case diary, it appears that the incident is of the year 2007 and there is no denial on the part of the complainant that he has no knowledge about the execution of the power of attorney from the very beginning and also for the reason that Anguri Devi was alive till the year 2013 and till then no complaint was made by the complainant. Hence after due consideration on all the material present on record, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
8. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
9. 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 each 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 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram