

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 524 of 2018

- Bhupender Sharma S/o Shri Pawan Sharma, Aged About 39 Years, R/o Near Arihant Hospital, Dubey Colony Mowa Police Station Pandri District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

1. Abhishek Jain S/o Shri Jagdish Jain, Aged About 38 Years, R/o C/05, Samta Colony District Raipur, Chhattisgarh, Mobile No. 8120940000, District : Raipur, Chhattisgarh
2. State Of Chhattisgarh Through Superintendent Of Police, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Pragalbha Sharma, Advocate.

For Non-applicant No.1/complainant – Shri Shivendu Pandya, Advocate.

For Non-applicant No.2/State – Shri Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

18-07-2018

1. Apprehending arrest in complaint case No.3959/2017 pending before the Court of Judicial Magistrate First Class, Raipur, Chhattisgarh for offence under Section 420, 467, 468, 471, R/w 120B of the IPC, the applicant has preferred this application for grant of anticipatory bail.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case without there being any reason of his involvement in the commission of offence as alleged in the complaint case. The only allegation that is made against this applicant in the complaint is this that he had drafted the General Power of Attorney on the instructions given by the parties, hence, no case is made out against this applicant. Hence, it is prayed that the applicant may be benefited with grant of anticipatory bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that this applicant has knowingly drafted a fake General Power of Attorney on the instructions given by the co-accused persons, hence he is also one of the co-accused and not entitled for grant of anticipatory bail.

4. Heard learned counsel for the parties and perused the case diary.

5. It is a case in which it is alleged that a forged power of attorney was prepared showing that the complainant was the author and receiver was co-accused Smt. Sarita Bajpai and that has been used in the demarcation of the property.

6. It is duty of petition writer to draft the petition as instructed by the parties. He does not happen to be a party in the execution of such documents. Hence, after due consideration, I am of this view that this applicant should be benefited with grant of anticipatory bail.

7. Accordingly, the anticipatory bail application is 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 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 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge