

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 607 of 2018

- Ramniwas Agrawal S/o Shri Late Jodhraj Agrawal Aged About 71 Years R/o Subhash Ward Kanker, District- Uttar Batar, Chhattisgarh., District : Kanker, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- The Thana In-Charge, Thana Kotwali, Kanker, District- Uttar Bastar, Chhattisgarh., District : Kanker, Chhattisgarh

---- Respondent

 For Applicant : Shri Vishnu Koshta, Advocate
 For Respondent/State : Shri Vinod Tekam, Panel Lawyer
 For Objector : Shri Keshav Dewangan, Advocate

Hon'ble Shri Justice Ram Prasanna Sharma
Order On Board

04/10/2018

1. Heard.
2. This is an application filed under Section 438 of the Cr.P.C. for grant of anticipatory bail to the applicant, who is apprehending arrest in connection with Crime No. 158/2018, registered at Police Station Thana Kotwali, Kanker, District Uttar Bastar (CG) for the offence punishable under Sections 420, 467, 468 of the IPC.
3. As per the case of prosecution, the applicant who is tenant of one Vijay Soni and others of a house had fraudulently prepared an agreement of sale dated 16.11.2014 related to Plot No. 137,

Sheet No.17-A, area 537 sq. meters at Subhash Ward, Kanker. It is alleged that no such agreement was signed by Vijay Soni and no consideration was paid to him, but the applicant who is the tenant of the said house has prepared a false document.

4. Learned counsel for the applicant submits that they have paid the amount in cash that is why they have no record of transferring of fund to Vijay Soni. He further submits that the document was signed by Vijay Soni, therefore, no case is made out against the applicant. He submits that a Civil Suit has been filed against Vijay Soni by the applicant which is pending before the Civil Court (Annexure A/3) and injunction has been granted by the Civil Court in favour of the applicant on 23.4.2018, therefore, the complainant has made a written complaint. He submits that a writ petition has already been filed before this Court. He prays for extending the benefit of anticipatory to the applicant.

5. On the other hand, learned counsel for the State opposing the bail application submits that there is prima facie case against the applicant and the matter is under investigation.

6. I have heard learned counsel for the parties and perused the case diary with utmost circumspection.

7. Looking to the fact that no record is produced regarding transfer of fund to Vijay Soni and others and further looking to the allegations, there is prima facie case against the applicant for charges under Sections 420, 467 and 468 IPC and it is not a fit

case where extraordinary jurisdiction should be invoked, I am not inclined to grant anticipatory bail in favour of the applicant.

8. Accordingly, the bail application filed under Section 438 Cr.P.C. is rejected.

Sd/

(Ram Prasanna Sharma)
JUDGE