

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 544 of 2018

- Smt. Madhuri Singh W/o Shri Laxman Singh Aged About 47 Years R/o House No. 99, Mission Road, Khutanpara, Baikunthpur, P. S. Baikunthpur, District Korea Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through P. S. Baikunthpur, District Korea Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh

---- Respondent

MCRCA No. 600 of 2018

- Ramnarayan Jaiswal S/o Late Madan La Jaiswal Aged About 71 Years Occupation Retired Patwari, R/o Village Bahiswar, P. S. And Teshil Sonhat, District Koriya Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Baikunthpur, District Koriya Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh

---- Respondent

&

MCRCA No. 615 of 2018

- Birendra Chand S/o Late Budh Ram Aged About 40 Years By Caste Basor, Occupation Labourer, R/o Village Cher, Police Station Baikunthpur, District Korea Chhattisgarh, District : Koriya

(Baikunthpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Baikunthpur, District Korea Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh

---- Respondent

For Applicants	:	Mr.D.K. Gwalre, Advocate in MCRCA No.544/2018. Mr. Vijay Kumar Sahu and Avinash Chand Sahu, Advocate in MCRCA No. 600/2018. Mr. Nirmal Kumar Shukla, Sr. Advocate with Mr. Om Prakash Sahu, Advocate in MCRCA No.615/2018.
For Respondent/State	:	Mr. Anupam Dubey, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

20/07/2018

1. Since the above bail applications arise out of the same crime number, they are being disposed of by this common order.
2. Applicants in all the cases have preferred these applications for grant of anticipatory bail as they apprehend their arrest in connection with Crime No.72/2018 registered at Police Station-Baikunthpur, District – Korea(C.G.), for the offence punishable under Sections 419, 420, 467, 468, 471, 120-B, 34 of Indian Penal Code (for short 'IPC').
3. Learned counsel for the applicant-Smt. Madhuri Singh in MCRC(A) No.544/2018 submits that she is not a party to the any of the offence committed in this case as alleged. This applicant had bonafidely made a purchase of the land and she was not in a position to have knowledge about use of any forged document in the said sale, hence,

it is prayed that she may be granted anticipatory bail.

4. Learned counsel for the applicant-Ramnarayan Jaiswal in MCRC(A) No.600/2018 submits that he has been falsely implicated in this case. This applicant had retired from his service as Patwari years before the incident has taken place. As it is alleged that one forged certified copy of land record has been made use of in the execution of the sale-deed in question, that has no connection with this applicant. The seal and signature affixed on that copy of land record has not been affixed by this applicant. Further, there is no such investigation in this case by way of report by Hand Writing Expert to show, that the author of the signature in the said copy of land record belongs to this applicant. No case is made out against him, hence, it is prayed that he may be granted anticipatory bail.
5. Learned counsel for the applicant Birendra Chand in MCRC(A) No.615/2018 submits that this applicant has no connection with the document, which is alleged to have been forged as that document have been generated much earlier before this applicant was authorized as Power of Attorney holder of the real land lord that is Dilkumar, the Power of Attorney is dated 10.1.2018. Hence, it is prayed that he may granted anticipatory bail.
6. Learned State counsel opposes the bail applications and the submissions made in this respect. It is submitted that applicant Ramnarayan Jaiswal is the person, who has produced forged document and rest of the applicants have made use of the same for the execution of sale-deed. The Tahsildar has given statement under Section 161 of CrPC, clearly implicating all the applicants in this case. No case is made out for grant of anticipatory bail to any of the

applicants.

7. Heard both the parties and perused the case diary.
8. The case against the applicants is this, that a complaint was forwarded by Tahsildar, Baikunthpur to PS Baikunthpur alleging, that a sale-deed was executed by Power of Attorney holder applicant Birendra Chand in favour of applicant Madhuri Singh on behalf of land lord Smt. Dilkunwar. The copy of Form-B1 that was attached with the sale-deed, was shown to be certified by applicant-Ramnarayan Jaiswal, who has retired from service years ago and also he was not posted in the circle of which the copy has been produced, on that basis the offence has been registered against all this applicants. It is a case in which the seller in the sale-deed and the purchaser in the sale-deed have no dispute regarding the sale and the subject matter of the sale, hence, further investigation is required to find out whether any deliverance of property has taken place in this case because of the inducement given or by the use of the documents which is alleged to be forged. Further, there is no such allegation that the document that has been certified is incorrect in its particulars.
9. After considering on the peculiar nature of this case and on the basis of the evidence against the evidence in the investigation made so far, I am of this opinion that these applicants deserve to be granted anticipatory bail.
10. Accordingly, the anticipatory bail applications of applicants are allowed and it is directed that in the event of her arrest in connection with the aforesaid offence, they shall be released on bail by the officer arresting their on their executing a personal bond in the sum of Rs.25,000/-each with one surety in the like sum to the satisfaction of the concerned

Investigating Officer. The applicants shall also abide by the following conditions :-

- (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that the applicants 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 applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge