

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 941 of 2018

- Durgesh Kumar Mogre S/o Shri Kailash Prasad Mogre, Aged About 26 Years, Caste- Panika, R/o- Village- Sarbahra (Sarkaritola), P.S.- Gaurella, Tehsil- Pendra-Road, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- S.H.O. P.S.- Gaurella, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

----Non-applicant

For Applicant – Shri Achyut Tiwari, Advocate.

For Non-applicant/State – Shri Anupam Dubey, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

08-08-2018

1. Apprehending arrest in connection with Crime No.152/2018, registered at Police Station – Gaurella, District- Bilaspur, Chhattisgarh for offence punishable under Section 420, 467, 468, 471, 34 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. The applicant is merely a Village Kotwar and he has no role in alleged commission of offence. No case is made out against him, according to the material present in the case diary. 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 in the written complaint filed by the complainant the name of this applicant has specifically appeared as one of the associates in commission of the crime. Hence, he is not entitled for grant of anticipatory bail.
4. Heard learned counsel for the parties and perused the case diary.
5. Facts of the case are these that father of the complainant Umendra Singh expired on 25-11-2013, subsequent to that, the brother of the complainant co-accused Kripal Singh and this applicant got the sale deed dated 05-08-2015 executed in which deceased Sarodhan Singh has been shown as vendor of the

property, the deceased was impersonated by co-accused Beeran Singh. On coming to know about the fraud and cheating committed, a complaint has been filed by the complainant.

6. Considered on the entire material present in the case diary. The allegation against this applicant is this, that he helped the Patwari in his work and he has helped in providing copies of revenue documents to the persons involved in execution of the sale deed, knowingly that Sarodhan Singh has expired. After considering on the material present in the case diary, I am of this opinion 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