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HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.(A) No. 955 of 2018

1. Anil Mishra S/o Late Shri M. L. Mishra Aged About 51 Years R/o Street No. 4, Seepat Road, Sarkanda, Police Station Sarkanda, Bilaspur District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh
2. S. L. Bharti S/o Lahru Bharti Aged About 51 Years R/o Magarpara Chowk, Police Station Civil Lines, Bilaspur District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Civil Lines, Bilaspur District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh.

---- Respondent

For the Applicants : Shri Goutam Khetrapal, Advocate.
For the Respondent/State : Shri Anupam Dubey, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

ORDER

10.09.2018

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.

2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicants who are apprehending arrest in connection with Crime No. 487 of 2018, registered at Police Station – Civil Lines, District – Bilaspur, Chhattisgarh for the offence punishable under Section 419, 420, 467, 468, 471 and 120B of the Indian Penal Code.

3. It is submitted by counsel for the applicants that they have been falsely implicated in this case. The applicants had been simply attesting witnesses in the sale deed dated 21.3.2008 which was executed and registered in favour of one Madanlal Agrawal. The applicants were not acquainted with the vendors of the sale deed and they have also not identified the vendors of the sale deed as the persons known to them. Hence, it is prayed that the applicants be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that looking to the evidence present in the case-diary, no case is made out for grant of anticipatory bail to the applicants.

5. Heard counsel for both the parties and perused the case diary.

6. A sale deed was executed by Sukreet, Purnima and Others in favour of Madanlal Agrawal on 21.3.2008. Complainant – Gajanand Ratre has filed a complaint under Section 200 of the Cr.P.C. in which the concerned Court has directed the concerned police station to lodge FIR and do the investigation. It is alleged in this case that one of the vendors, namely, Sukreet was not present at the time of said sale and he was impersonated by somebody else regarding which the applicants had knowledge.

7. Considering the entire material present in the case-diary and looking to the evidence that is proposed against the applicants prosecuted in this

case, I am of the considered view that the present is a fit case where the applicants should be benefited with grant of anticipatory bail.

8. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the Officer arresting them 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. They 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 them 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 them by the said Court till disposal of the trial.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi