

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 998 of 2018

- Smt. Abha Tiwari W/o Shri Jitendra Tiwari aged about 56 Years R/o Purani Basti, Raipur Tahsil and District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Respondent

For Applicant	:	Mr. B.M. Roy, Advocate.
For Respondent/State	:	Mr. N.K. Mehta, Panel Lawyer.
For Complainant	:	Mr. Shiv K. Shrivastava, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

22/11/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending her arrest in connection with unregistered complaint case pending against her in the Court of JMFC, Raipur, for the offence punishable under Sections 420, 467, 468, 471/34 of the Indian Penal Code.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out against this applicant according to the evidence brought by the complainant on record. The applicant claims that the will executed by Bharat Das as

original and in support of which there is death certificate of Bharat Das issued by Municipal Corporation which document has a presumptive value. Hence, it is prayed that applicant be benefited with grant of anticipatory bail.

3. Learned State counsel formally opposes the bail application and the submissions made in this respect.
4. Opposing the arguments advanced on behalf of applicant, it has been submitted by the learned counsel for the objector that according to the revenue entry of A-O/2, it is mentioned that there is statement made by the revenue authority that Bharat Das has expired about 11 years prior to the execution of will and the complainant has examined two witnesses who were present at the time of funeral of deceased Bharat Das. Hence, the application be rejected.
5. Heard both the parties and perused the case diary.
6. The complaint has been brought against the applicant alleging that she has made use of forged Will purportedly executed by Bharat Das who has expired in the year 1962 whereas the will is dated 7.3.1999. hence, this case.
7. Considering the material present in the record and the evidence on the basis of which the applicant had derived title, the revenue entry and the fact that the applicant has not been able to obtain any benefit on the basis of said will, which is alleged to be forged and further considering the fact that the applicant is not required for the purpose of interrogation and even there is no such order passed by the trial Court in this respect. I am of this opinion that applicant should be granted anticipatory bail.
8. Accordingly, the anticipatory bail application is allowed and it is

directed that in the event of arrest of the applicant in connection with the aforesaid offence, she shall be released on bail by the officer arresting her on her executing a personal bond in the 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 herself 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 them by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge