

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1060 of 2018

- Shiv Kumar Sahu S/o Pahari Sahu Aged About 58 Years R/o Ashaband Birkona Police Station Koni Tahsil And District Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Civil Line District Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Respondent

For Applicant : Mr. Amit Kumar, Advocate.
For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

18/09/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.660/2018 registered at Police Station- Civil Lines, District – Bilaspur(C.G.), for the offence punishable under Section 420 of the Indian Penal Code (for short 'IPC').
2. Learned counsel for the applicant submits, that applicant is innocent and has been falsely implicated in the crime in question. The applicant had executed a sale-deed dated 26.4.2018 in favour of complainant Ramawatar Agrawal, in which, the sister of the applicant Siyabai had given consent letter. Later on, sister of this applicant filed a Civil Suit claiming her title over the property in which decree has been passed in

her favor to the extent of her property which was sold out to the complainant. The applicant wishes to challenge this judgment and decree, hence, this is a civil matter. Hence, it is prayed that he may be granted anticipatory bail.

3. Learned counsel for the respondent/State opposes the application and submissions made in this respect. It is submitted that this applicant had forged the consent letter of the complainant Siyabai and also suppressed this fact from the complainant, that the land was owned jointly by him and his sister, hence, no case is made out for grant of anticipatory bail.
4. Heard both the parties and perused the case diary.
5. FIR lodged by the complainant Ramavatar Agrawal against the applicant, subsequent to the judgment and decree passed by the Civil Court because of which the title over the property purchased by him from the applicant has been affected.
6. Considering on entire material present in the case diary, as the criminal case has been brought on the basis of the result of the Civil Court which can still be challenged by the applicant, who have been defendant in this case. Hence, after due consideration, I am of this view that this is a fit case where the applicant should be enlarged on anticipatory bail.
7. Accordingly, the anticipatory bail application of applicant is allowed and 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 his 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 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.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha