

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1041 of 2018**

Motilal Gupta, S/o. Late Ramchandra Sao, Aged About 45 Years, Caste Sodhi, R/o. Village Sonkyari, (Dabbara) Police Station -Sanna, District Jashpur Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through The Station House Officer, Police Station Sanna, District Jashpur Chhattisgarh.

---- Respondent

For Applicant	: Mr. J.K. Saxena, Advocate
For Respondent/State	: Mr. Lav Sharma, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**12/09/2018**

1. Apprehending arrest in connection with Crime No.50/2017, registered at Police Station – Sanna, District – Jashpur (C.G.) for offence punishable under Section 420, 34 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. No case is made out against the applicant according to the material present in the case diary. It is a fact that this applicant had only accompanied the main accused Vijay and he is not one of the objectors to the

mutation proceedings. Hence, for this reason, it is prayed that the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that there is ample evidence against the applicant to make out prima-facie case against him, hence, the application be rejected.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. The case against the applicant and the co-accused persons is this that a land was sold by one Mahanand to Radhika Bhagat regarding which mutation proceeding was pending before the revenue Court. It is alleged that co-accused Vijay and others filed objection in mutation proceedings alleging that the sale deed is forged and executed by impersonation and it is alleged that the real owner of the land named as Mahanand is dead regarding which they have filed forged birth certificate as well as death certificate.
6. Considered the submissions made and the contents of the case diary. After considering on the evidence i.e. proposed for the intended prosecution in this case, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram