

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1251 of 2018

1. Ramesh Chandra Sahu S/o Late Bhola Prasad Sahu Aged About 47 Years R/o- Harrapara, Ward No. 5, Baikunthpur, Police Station And Tahsil Baikunthpur, District- Korea, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh
2. Ayodhya Prasad Sahu S/o Late Bhola Prasad Sahu Aged About 57 Years R/o- Harrapara, Ward No. 5, Baikunthpur, District- Korea, Chhattisgarh, Presently Residing At Qtr. No. E-154, Jamnipali, Korba, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Of Police Station Baikunthpur, District- Korea, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Respondent

For Applicant	:	Mr. Anil Gulati, Advocate.
For Respondent/State	:	Mr. Anil S. Pandey, Govt. Advocate.

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

22/10/2018

1. The applicants have preferred this bail application under Section 438 of Cr.P.C. apprehending thier arrest in connection with Crime No.140/2018 registered at Police Station-Baikunthpur, District – Korea(C.G.), for the offence punishable under Sections 420, 467, 468, 471 r/w 34 of the Indian Penal Code.

2. Learned counsel for applicants submit that applicants are innocent and have been falsely implicated in this case. Infact the family property was partitioned in the year 2015 vide order dated 7.6.2015 passed by Tahsildar. The complainant party had appealed before the Court of SDO (Civil), which was dismissed vide order dated 14.9.2015 and the proceedings concluded at that stage. No ground was raised by the complainant party at that stage, that some forged partition deed was made use of for the purposes of partition, hence, the complainant has come forward with unbelievable story by lodging of FIR on 11.8.2018, which is totally false. Hence, it is prayed that he may be released on anticipatory bail.
3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the alleged partition deed has been examined by the Hand Writing Expert and it has been found, that the one signature purported to be affixed by Sudama is forged signature, hence, there is evidence present in this case because of which applicants are not entitled for grant of anticipatory bail.
4. Heard the parties and perused the case diary.
5. FIR has lodged by Upendar Sahu against the applicants alleging, that these applicants being family members of the same family has made use of one *Batwaranama* dated 14.3.2014 to get the order of partition in their favor before the Revenue Court. It is alleged that the signature of Sudama in the said *Batwaranama* is forged. Hence, this case.
6. After Considering on entire material present in the case diary and also perused the copies of order of Tahsildar and SDO filed along with the application. Hence, after over all consideration, I am of this view that

this is a fit case where applicants should be released on anticipatory bail .

7. 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 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 applicants 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 him/her 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