

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1269 of 2018

- Umesh Kumar S/o Shri Pramanand, Aged About 28 Years, Caste Kalar, R/o Village Kunkuri, P. S. Kharsiya, District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, P. S. Kharsiya District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Non-applicant

For Applicant – Shri Awadh Tripathi, Advocate.

For Non-applicant/State – Shri Avinash K. Mishra, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

27-11-2018

1. Apprehending arrest in connection with Crime No.412/2017, registered at Police Station – Kharsiya District Raigarh, Chhattisgarh for offence punishable under Section 420 read with Section 34 of the IPC, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. No offence has been committed by this applicant as alleged by the complainant. According to the revenue records, complainant Tejkunwar was not recorded owner of the lands in question which have been transferred by this applicant along with other co-owners. The allegation of the complainant that her consent letter was forged by this applicant and others is baseless as she was neither a party nor a signatory in the sale deed. Hence, no offence is made out against this applicant. Hence, it is prayed that this applicant may be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that statement given by the complainant that this applicant has played important role in robbing the complainant of her rightful claim by selling out the property knowing well that the property was in the joint ownership with

the complainant. Hence, no case is made out for grant of anticipatory bail.

4. Heard learned counsel for the parties and perused the case diary.

5. Complainant has lodged the FIR alleging that she was one of the joint owners of the land in question which was transferred by this applicant and other accused persons on 15-02-2012 without making the complainant a party to that sale. A consent letter dated 20-03-2012 is attached with the sale deed purporting to be executed by the complainant which allegedly has not been executed by the complainant. When the complainant came to know about this incident she filed a complaint on 10-08-2015 before the concerned Court and thereafter on the orders passed by the Court the FIR was registered on 26-09-2017.

6. As it is informed by the counsel for the applicant that charge sheet has been filed in this case and the case diary does not show any scientific investigation regarding the consent letter dated 20-03-2012, hence, the offence is based only on the oral submission made by the complainant. Hence, after due consideration on all the facts and circumstances of the case, I feel inclined to allow this application.

7. Accordingly, the anticipatory bail application is allowed. 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge