

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1397 of 2018

1. Rajkapur Suryavanshi S/o Punilal Suryavanshi, Aged About 38 Years, R/o Ghuru-Ameri, P.S. Sakri, Tahsil Takhatpur, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Sakri, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Non-applicant

MCRCA No. 1147 of 2018

1. Mahavir Yadav S/o Late German Yadav, Aged About 58 Years, Occupation Government Servant Sub Registrar, Registry Office, Takhatpur, R/o Village Ghuru, Police Station Sakri, District - Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

1. State Of Chhattisgarh Through The District Magistrate, Bilaspur, District - Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
2. Station House Officer Police Station Sakri, District - Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Non-applicants

For Applicant –Shri Shaleen Singh Baghel, Advocate (in MCRCA No.1147/2018),
Shri Shri Ravindra Sharma, Advocate (in MCRCA No.1397/2018).

For Non-applicants/State – Shri N.K. Mehta, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

26-11-2018

1. As both these applications arise out of the same crime number, i.e., Crime No.241/2018, registered at Police Station Sakri, District Bilaspur, C.G., they are being decided by this common order.

2. MCRCA No.1397/2018 has been filed by applicant Rajkapur Suryavanshi for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending arrest in connection with aforesaid crime number for the offence punishable under Section 420, 467, 468, 471, 120(B) of the IPC.

Applicant Mahavir Yadav has filed MCRCA No.1147/2018 for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending arrest in connection with aforesaid crime number for the offence punishable under Section 420, 467, 468, 471, 120(B) of the IPC & Section (not mentioned) of the Atrocities Act, application for grant of anticipatory bail.

2. It is submitted by learned counsel for the applicants that the applicants have been falsely implicated in this case. Applicant Rajkapur Suryavanshi (applicant in MCRCA No.13972018) is Sarpanch of the village and applicant Mahavir Yadav (applicant in MCRCA No.1147/2018) is simply a Peon in the Registry office. They are not involved in commission of the offence. A totally false allegation has been made against these applicants about they being involved as conspirators in the sale of the property of the complainant by use of forged power of attorney. Hence, it is prayed that these applicants may be benefited with grant of anticipatory bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that applicant Rajkapur Suryavanshi had provided the forged voter ID card on the basis of which a power of attorney was executed. Some person impersonated as complainant Piparha Banjare and executed the power of attorney which has been used by main accused Rahul Singh for sale of the property of the complainant to various persons. There is clear allegation against applicant Mahavir Yadav also being involved in the same.

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

5. Complainant Piparha Banjare filed a complaint making allegation that main accused Rahul Singh making use of forged power of attorney has sold his property in which both these applicants had also participated as conspirators.

6. After considering the material present in the case diary and the ground on which the complainant has raised his suspicion regarding use of his number

of voter ID card, which keeps changing after revision of the voter list before every election, I feel inclined to allow both these applications.

7. Accordingly, the anticipatory bail applications are allowed. It is directed that in the event of arrest of these applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on each of them 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 applicants shall also abide by the following conditions :

- (i) that they shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that they 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 they shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge