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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1011 of 2017**

Lalit Ram Choudhary S/o Khemkaran Choudhary, Aged About 71 Years Occupation Retired Govt. Employee, R/o Village Bansiya, Police Station Jutmil Chowki, Tahsil And District Raigarh, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through S.H.O., Police Station Pussaur, District Raigarh, Chhattisgarh.

---- Respondent

For the Applicant : Shri Awadh Tripathi, Advocate.
For the Respondent/State : Shri Anupam Dubey, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****05.01.2018**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.

2. It is submitted by counsel for the applicant that the applicant is apprehending arrest in connection with Crime No. 53 of 2016, registered at Police Station – Pussaur, District – Raigarh, Chhattisgarh for the offences punishable under Sections 419, 420, 465, 467, 468, 471 and 120B of the Indian Penal Code.

3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is a government servant. The applicant, as alleged in this case, was not present as attesting witness of the sale deed. On the contrary, when the applicant came to know about the

execution of a sale deed in which the seller was impersonated by some other persons and also that he himself was impersonated as a witness for sale deed, he filed a complaint in Chakradhar Nagar, Raigarh on 6.3.2016. The applicant himself is an aggrieved person in this case, hence, it is prayed that he may be granted anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that there is sufficient material against the applicant in the charge-sheet for the prosecution of offence against him, hence, he is not entitled for grant of anticipatory bail.

5. Heard counsel for both the parties and perused the case diary.

6. Complainant – Sundar Lal Dhoba lodged FIR in police station Pussaur on 6.3.2016 alleging that his ancestral land was sold out in which some persons impersonated as father, mother and family members of the complainant to represent themselves as seller of the land on 16.7.2010. In this execution, the applicant has been shown as one of the attesting witness.

7. Considering the submissions made and the contents of the case diary, the fact that the co-accused persons in this case have been granted regular bail by this Court and on the basis of the arguments submitted on behalf of the applicant, it appears that he has a case to defend, for the present, it appears that the applicant should be benefited with grant of anticipatory bail.

8. Accordingly, the anticipatory bail application 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 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 them 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