

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1394 of 2018**

Vedprakash Sarwa, S/o. Late Arjun Singh Sarwa, Aged About 44 Years,
R/o. Ruwabandha Basti, Shaniwar Market, Bhilai, Tahsil and District Durg
Chhattisgarh.

----Applicant**Versus**

1. Yogendra Singh, S/o. Shri Ramanand, R/o. House No. 17, S.N. 15 B,
Pragati Nagar, Police Station Newai, District Durg Chhattisgarh.
2. State Of Chhattisgarh, Through : Collector, Durg, District Durg
Chhattisgarh.

---- Respondents

For Applicant	: Mr. P.K. Patel, Advocate
For Respondent No.1	: Mr. Jitendra Gupta, Advocate
For Respondent/State	: Mr. Vijay Bahadur Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****05/12/2018**

1. Apprehending arrest in connection with Complaint Case No.2146/2017, pending before the Court of Judicial Magistrate First Class, Durg, District – Durg (C.G.), for offence punishable under Section 420, 467, 468, 471, 294, 506, 147, 148, 448, 449 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. The allegation made by the complainant is in-fact civil dispute, which can be raised before the civil Court and there is no criminality of this

applicant. Therefore, it is prayed the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel formally opposes the application for grant of bail and the submissions made in this respect.
4. Counsel for the respondent No.1 submits that the applicant had with intention executed the sale deed in favour of Vimla Bai showing a forged layout, which includes the land belonging to the complainant Yogendra Singh and the markings have also been made on the land showing encroachment upon the land of the complainant. Hence, no case is made out for grant of anticipatory bail.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. Complainant Yogendra Singh has alleged in the complaint filed by him that this applicant, who was the owner of 8000 sq.ft. of land on the spot and had made a sale of 3575 sf.ft. of land in favour of one Vimla Bai. The sale deed was executed showing erroneous layout on the sale deed, which includes the land belonging to the complainant and similarly markings have also been made on the spot, which shows that land of the complainant has been encroached. Hence, this case.
7. Considered the submissions made and the contents of the case diary. After considering on the entire material filed along with the application and the objection, I am of this opinion that the complainant has also entitlement to avail civil remedy in this case, hence for this reason this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.

8. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
9. 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 trial Court. 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