

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1439 of 2018**

Khattu Singh Thakur, S/o Shri Lakhamu Ram Thakur, aged about 43 years, R/o. Dubey Umargaon, P.S. Bhanpuri, District Bastar, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer Police Station Pendra, District Bilaspur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Sunil Sahu, Advocate.
For the Respondent/State : Shri Anant Bajpai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****22.11.2018**

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

2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No.1 of 2018 registered at police station Bhanpuri, District Bastar, Chhattisgarh for the offence punishable under Sections 420/ 34 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 only allegation against the applicant is that he was the witness in the sale deed dated 5.10.2010 which is alleged to have been executed by impersonation in favour of Rakhi Jain. FIR has been

lodged by complainant – Satbati after a delay of 8 years i.e. on 1.1.2018. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that according to the statement given by the complainant this applicant had obtained the rin pustika from Laxman Thakur for the purpose of furnishing bail and he has not returned and it is also alleged that he has conspired to get the sale deed executed by using the said rin pustika. Hence, no case is made out for grant of anticipatory bail to the applicant.

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

6. According to FIR lodged, a sale deed dated 5.10.2010 executed by one Satbati in favour of Rakhi Jain in which this applicant was present as attesting witness. According to the statement given by the complainant, the applicant had full knowledge that the person executing sale deed is an impersonator even then, he has attested the same. Hence, this case.

7. Considered the entire material present in the case-diary. As it appears that the complainant has come forward to lodge FIR after passing of about 8 years and the other facts are also needed to be disclosed in the investigation, I feel inclined to grant anticipatory bail to the applicant.

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