

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1443 of 2018

1. Meena Bai Sahu W/o Late Anand Sahu, Aged About 60 Years, R/o Village- Kokdi, Post Office And Police Station- Gariyaband, District- Gariyaband, Chhattisgarh., District : Gariyabandh, Chhattisgarh
2. Pramendra Kumar Sahu S/o Awadh Ram Sahu, Aged About 40 Years, R/o Village- Kokdi, Post Office And Police Station- Gariyaband, District- Gariyaband, Chhattisgarh., District : Gariyabandh, Chhattisgarh
3. Awadh Ram Sahu S/o Prem Lal Sahu, Aged About 72 Years, R/o Village- Kokdi, Post Office And Police Station- Gariyaband, District- Gariyaband, Chhattisgarh., District : Gariyabandh, Chhattisgarh
4. Motiram Gond S/o Ram Bharosa Gond, Aged About 45 Years, R/o Village- Gariyaband, Post Office And Police Station- Gariyaband, District- Gariyaband, Chhattisgarh., District : Gariyabandh, Chhattisgarh

---- Applicants

Versus

1. Smt. Purnima Sahu W/o Daulat Ram Sahu, Aged About 32 Years, R/o Village- Jijamgaon, Police Chowki- Birejhar, Post Office And Police Station, And Tahsil- Kurud, District- Dhamtari, Chhattisgarh., District : Dhamtari, Chhattisgarh
2. State Of Chhattisgarh Through The Superintendent of Police, Gariyaband, District- Gariyaband, Chhattisgarh., District : Gariyabandh, Chhattisgarh

---- Non-applicant

For Applicants – Mr. Shivendu Pandya, Advocate.

For Non-applicant No.1 – Mr. R.S. Patel, Advocate.

For Non-applicant No.2/State – Ms. Madhunisha Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13-12-2018

1. Apprehending arrest in connection with Complaint Case No.834/2018, pending before C.J.M. Gariyaband, Distt. Gariyaband, Chhattisgarh for trial in offence under Section 420, 467, 468 & 471/34 of the IPC, the applicants have preferred this 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. The fact is that applicant No.1 and the complainant both received some property in partition, but there was some family debts which was required to be paid, the applicant No.1 with the consent

of the complainant has executed a sale deed in favour of Preminbai who also happens to be a member of the same family. At a subsequent stage, the complainant is denying her consent and claiming otherwise. It is a case of civil dispute. Therefore, it is prayed that the applicant may be granted anticipatory bail.

3. Learned counsel for non-applicant No.1 submits that according to the facts the complainant who was a major lady on the date of execution of the sale deed was deliberately shown as minor and the applicant No.1 presenting herself as guardian has executed the sale deed which is clearly a case in which rest of the applicants have assisted in the fraud and forgery. Therefore, it is prayed that the application may be rejected. On behalf of the complainant claim of the applicant that the complainant has consented is also denied.

4. Learned counsel for the State/non-applicant No.2 makes formal objection.

5. According the complaint case, it is alleged that applicant No.1 is step mother of complainant/non-applicant No.1, a sale deed was executed by her in the year 2016 showing the complainant as minor and representing herself as her guardian, whereas, the complainant was of age 32 years on that date, therefore, a complaint has been filed praying for criminal action against the applicant.

6. Heard learned counsel for the parties and perused the documents.

7. Considered on the entire material present in the record of this application. It appears to be a case of family dispute and the complainant has also remedy available to approach the civil court, therefore, I feel inclined to allow this application.

8. Accordingly, the anticipatory bail application is 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. These 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.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge