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HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1575 of 2018**

Gulab Chand Patel, S/o. Let Baluram Patel, Aged About 40 Years, R/o. Village Dadar, Ward No. 05, Bhilai Charoda, P.S. Bhilai-3, Tahsil Dhamdha, District- Durg, Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgrh, Through : The Station House Officer, Police Station Bhilai-3, District- Durg, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Tarun Dadsena, Advocate
For Respondent/State	: Mr. Avinash K. Mishra, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****14/12/2018**

1. Apprehending arrest in connection with Crime No.322/2018, registered at Police Station – Bhilai-3, District – Durg (C.G.) for offence punishable under Section 420, 193/34 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. No case is made out against the applicant. This applicant along with Hindeshwar Patel and co-accused persons had given affidavit before the revenue officer, which was based on true facts as the legal representatives of Puniya Bai had agreed that they do not want

share in the joint family property. Therefore, it is prayed the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the bail application and the submission made in this respect.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. Legal representative of Puniya Bai have filed a written complaint against this applicant and other co-accused persons stating that although Puniya Bai was dead but her legal representatives were living and available, which was suppressed and false affidavit was given before the revenue officer to exclude the legal representative of Puniya Bai from their share in joint family property.
6. Considered the submissions made and the contents of the case diary. After due consideration on all the facts and circumstances of the case further looking to the nature of dispute regarding family property before the applicant and others, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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 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

Balram