

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 48 of 2019

- Himanshu Kumar Gupta, S/o Radhakrishna Gupta, aged about 42 Years, R/o Infront Of Jain Mandir, Haldibadi Chirmiri, Police-Station Chirimiri, Tahsil-Khadgawa, District Korea Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh Through Station House Officer, Police of Police Station-Chirmiri, District-Korea Chhattisgarh.
2. Jitendra Kumar Verma, S/o Shri Daduprasad Verma, aged about 37 Years R/o Haldibadi Chirmiri, District Korea Chhattisgarh, Presently R/at Mo. Khajurpara Bramharoad Nagar, Police Station and Tahsil Ambikapur, District-Surguja Chhattisgarh Through Power Of Attorney Smt. Ranju Kashyap W/o Jitendra Kumar Verma, aged about 36 years, R/o.Haldibadi Chirmiri, District Korea Chhattisgarh, Presently R/at Mo. Khajurpara Bramharoad Nagar Police Station and Tahsil Ambikapur District Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Respondent

For Applicant : Mr. Anil Gulati, Advocate.
For Respondent : Mr. Adil Minhaj, PL.
For complainant : Mr. Nishikant Sinha, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

01/02/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Complaint Criminal Case No.124/2018 pending before the Court of learned Judicial

Magistrate First Class, Chirmiri, to be tried for the offence punishable under Sections 419, 420, 467, 468, 471 r/w 34 of the Indian Penal Code.

2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out against him. The complainant and the rest of the accused persons have some dispute between them, regarding which this applicant was not aware of and he is a bonafide purchaser of the property which has been sold to him by the co-accused persons. Hence, it is prayed that applicant may be enlarged on anticipatory bail.
3. Learned counsel for complainant opposes the application and submits that after registration of offences by the trial Court the applicant has ignored the process of the Court, subsequent to which bailable warrant has been issued against him, therefore, there is no apprehension.
4. Learned State counsel makes formal objection on this respect.
5. Heard both the parties and perused the case diary.
6. Complainant Jitendra Kumar Verma has filed private complaint, that co-accused persons, who were the joint owner of the property with the complainant have sold out the same to this applicant by forging the signature of complainant. Hence, this case.
7. Considered on the nature of complaint against the applicant and the defence, which he has proposed to take in this case and for the reason that the offence registered are non-bailable in nature, hence, there appears to be apprehension, hence, I am of this view that present is a fit case where the applicant can be granted 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 his executing a personal bond in the 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 them by the said Court till disposal of the trial.

Sd/-
(Rajendra Chandra Singh Samant)
Judge