

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 161 of 2019**

Samuel Tirkey, S/o. Mohan Tirkey, Aged About 54 Years, R/o. Jawahar Navodaya Vidyalay, Basdei Surajpur, District Surajpur, Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Police Station Surajpur, District Surajpur Chhattisgarh.

---- Respondent

For Applicant : Mr. Jitendra Shrivastava, Advocate
For Respondent/State : Mrs. Madhunisha Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****22/02/2019**

1. Apprehending arrest in connection with Crime No.163/2018, registered at Police Station – Surajpur, District – Surajpur (C.G.) for offence punishable under Section 419, 420, 467, 468, 471/34 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 on the basis of the material present on record. The applicant is a bonafide purchaser of the land in question and he was never a party to the said impersonation as alleged. The land was sold with the permission of the Collector, in which it is mentioned that all the co-owners of the land had

appeared and give their consent for the sale. Therefore, no offence has been committed by this applicant. Therefore, it is prayed that the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that complainant Kavilaso Bai was impersonated by some other woman in execution of sale deed in favour of the applicant, which shows his involvement in this case, therefore, no case is made out for grant of anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. Complaint has been filed by the complainant – Kavilaso Bai against this applicant and other co-accused persons alleging that she was not a consenting party in the said sale in favour of the applicant and she and her other sisters were impersonated by some other women for execution of sale deed. Hence, this case.
6. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the case diary, 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