

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 124 of 2019

1. Awadhram Singh S/o Shri Rampratap Singh, Aged About 78 Years, R/o Village Bharega, Police Station Abhanpur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Dilip Dubey S/o Late Jhumuk Lal Dubey, Aged About 51 Years, R/o Purani Basti, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicants

Versus

1. State Of Chhattisgarh Through District Magistrate Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Thakur Ramchandra Ji Swami Jaitu Sao Math, Saevarakar Nayas Puranibasti Raipur Through Secretary Mahendra Kumar Agrawal S/o Late Radheshyam Agrawal, R/o Sindhubriz, Radheshyam Niwas, Kushalpur, Raipur Police Station Puranibasti Tahsil and District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-applicants

For Applicants – Shri Kamal Kishore Patel, Advocate.

For Non-applicant No.1/State – Shri Avinash K. Mishra, Panel Lawyer.

For Non-applicant No.2.– Dr. Shiv Kumar Shrivastava, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

05-03-2019

1. The applicants are apprehending arrest in connection with an unregistered complaint case pending before the Court of J.M.F.C. Raipur, C.G. in which prayer has been made for taking cognizance against the applicants for commission of offence under Section 420, 467, 468, 471/34 of the IPC, hence, they 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. Applicant No.1 is a witness to the Will deed in his presence and applicant No.2 is not connected with the offence that is alleged to have been committed. One of the co-accused, namely, Smt. Abha Tiwari has been granted anticipatory bail by this Court. The complaint brought against these applicants is totally without any basis. Therefore, it is prayed that these applicants may be benefited with grant of anticipatory bail.

3. Learned counsel for the State/non-applicant No.1 makes formal objection.
4. Learned counsel for non-applicant No.2 submits that deceased Bharat Das had in reality expired in the year 1962. Subsequent to that, the Will dated 07-03-1999 has been forged in which applicant No.1 is the attesting witness. Later on, on the basis of false information applicant No.2 presenting himself as Dilip Das has obtained the death certificate of Bharat Das which shows that he had expired in the year 2002. Therefore, no case is made out for grant of anticipatory bail.
5. Heard learned counsel for the parties and perused the case diary.
6. According to the complaint filed, the case is as it is mentioned hereinabove in the objection made by non-applicant No.2.
7. Considered on the evidence that is proposed in this case. It is a case of conflicting statements present on both the sides and also conflicting official documents, in which one of the document shows deceased Bharat Das to have expired in the year 1962, whereas, the death certificate which has been issued by the Municipal shows him to be alive till the year 2002, enquiry will reveal which statement is correct, but, for the present and for the reason that another co-accused person who happened to be a beneficiary of the said Will has been granted anticipatory bail by this Court, 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