

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No.188 of 2019**

Kachar Das Burad @ K.D. Jain, aged about 55 years, S/o Dhanraj Jain,
R/o Mahamaya Vihaar, Avanti Vihaar, Raipur, District Raipur, Chhattisgarh

---- Applicant

versus

State of Chhattisgarh through Station House Officer, Police Station
Telibandha, District Raipur, Chhattisgarh

---- Respondent

For Applicant	:	Shri Bhaskar Payashi, Advocate
For Respondent/State	:	Shri K.K. Dewangan, Dy. Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****21.2.2019**

1. The Applicant is apprehending his arrest in connection with Crime No.9 of 2018 registered at Police Station Telibandha, Raipur, District Raipur for offence punishable under Sections 420, 467 and 468 of the Indian Penal Code.
2. Facts of the case, in brief, are that Complainant Sarita Chopda purchased a plot ad-measuring 2025 Sq.Ft. from Mahamaya Devi Grih Nirman Samiti Maryadit, Raipur. However, she neither got her name mutated in the revenue record nor did she raise any construction over the said plot. On 15.7.2017, she visited her plot and came to know that her name and address were erased by some person. Thereafter, she inquired from the registry office and came to know that a co-accused Vinay Nampalliwar, the President of the aforesaid Samiti has sold out the said plot to one Aruna Sharma. Allegedly, co-accused Vinay Nampalliwar purchased a

stamp-paper in the name of Complainant Sarita Chopda and got a forged document executed and got signature of the Complainant for alleged surrender deed. The allegations against the Applicant are that he also signed on the said forged surrender deed dated 11.5.2016 and also annexed his photograph on the said surrender deed. It is further alleged against the Applicant that he also made a forged receipt of cheque dated 11.7.2016 on behalf of the Complainant.

3. Learned Counsel appearing for the Applicant submits that the Applicant has been falsely implicated in the case. It is further submitted that it is co-accused Vinay Nampalliwar who actually forged the aforesaid documents of the Complainant in order to sell out the plot for his own interest and, therefore, he had prepared a forged affidavit with a false seal and signature which even witnesses namely, Raj Kumar Meghani and Tejashwa Sharma have accepted and expressed in their statements recorded under Section 161 of the Code of Criminal Procedure. It is further submitted that from the statements of witnesses Raj Kumar Meghani and Tejashwa Sharma, it is clear that both the above forged documents were fraudulently prepared by co-accused Vinay Nampalliwar. It is further submitted that the said plot had been sold out by co-accused Vinay Nampalliwar to Complainant Sarita Chopda. No consideration amount against the said plot has been received by the Applicant. Main accused Vinay Nampalliwar has already been granted benefit of anticipatory bail by this Court vide order dated 16.5.2018 in M.Cr.C. (A) No.98 of 2018. From the evidence collected by the prosecution, no offence is made out

against the Applicant. Therefore, the Applicant may also be granted benefit of anticipatory bail.

4. Learned Counsel appearing for the State opposes the bail application and submits that according to the material contained in the case diary, *prima facie*, the case alleged against the Applicant is made out. Therefore, he does not deserve to be released on anticipatory bail.
5. I have heard Learned Counsel appearing for the parties and perused the case diary with due care.
6. Taking into consideration the facts and circumstances of the case, particularly, the statements of witnesses Raj Kumar Meghani and Tejashwa Sharma and the submissions put-forth on behalf of the parties, without further commenting on merits of the case, I am inclined to extend the benefit of anticipatory bail to the present Applicant.
7. Accordingly, the bail application is allowed.
8. It is directed that in the event of arrest of the Applicant in connection with the aforesaid crime, he shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand) with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned Trial Court. He shall also abide by all the following terms and conditions:
 - (i) He 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 from disclosing such fact to the Court,

- (ii) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) He shall appear before the Trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
JUDGE