

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 177 of 2019

- Rajendra Prasad, S/o Late Shri Shankar Prasad, aged about 41 Years, R/o Neharu Nagar Road, Near Adalat Saw Mill, Supela Bhilai, District Durg Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Incharge Police Station Supela Bhilai, District-Durg, Chhattisgarh.

---- Respondent

For Applicant : Mr. Arvind Dubey, Advocate.

For Respondent/State : Mr. Avinash K. Mishra, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

25/02/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.795/2018 registered at Police Station-Supela, District – Durg(C.G.), for the offence punishable under Sections 420, 467, 468, 471 & 34 of the Indian Penal Code.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out against this applicant. The applicant was acquainted with the land owner namely Shri H.C. Ojha who on account of his inability to sell the property in question has executed a registered power of attorney dated 1.9.2008 in favour of the applicant and on the basis of which the

property was sold on 19.11.2008 by the applicant to one Tarsem Singh. The claim made by complainant S.C. Ojha, S/o H.C. Ojha, that no power of attorney was executed by his father is baseless. No fraud has been played by this applicant. No offence has been committed in this transaction of sale, therefore, it is prayed that applicant be benefited with grant of anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. According to the FIR lodged complainant S.C. Ojha it is stated that his father had never executed any power of attorney in favor of this applicant and some other person has impersonated his father H.C. Ojha and with the help of forged documents, firstly got executed a power of attorney in favour of this applicant and thereafter on the basis of that power of attorney, the property has been sold out fraudulently.
6. Considered on the entire material present in the case diary. A copy of power of attorney dated 1.9.2008 is attached with this bail application, which appeared to be a registered power of attorney. The identity of real H.C. Ojha is yet to be investigated. Therefore, for the present, I am of this opinion that applicant should be released on anticipatory bail.
7. 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 him by the said Court till disposal of the trial.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha