

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 439 of 2019**

Naveen Kumar Patel, S/o. Late Ranchhor Bhai Patel, Aged About 47 Years, R/o. New Deepak Nagar, Ward No. 24, Behind Sagar, Hotel, Durg Tahsil and District Durg Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : The Police Station- Mohan Nagar, Durg District Durg Chhattisgarh.

---- Respondent

For Applicant	: Mr. T.K. Jha, Advocate
For Respondent	: Mr. Arun Shukla, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****28/03/2019**

1. Apprehending arrest in connection with Crime No.84/2016, registered at Police Station – Mohan Nagar, Durg, District – Durg (C.G.) for offence punishable under Section 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 in the case diary. The allegation that is made by the complainant Purshottam Patel, that main accused Ranchhordas now deceased had in collaboration with this applicant forged the power of attorney and made use of it for sale of the property belonging to the complainant is baseless and without any substance. This applicant has never transacted or negotiated for such sale nor he has

executed any documents in the said sale transaction. 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 the complainant has made clear statement that this applicant has collaborated with his father in committing the offence of fraud, forgery and cheating, therefore, the application be rejected.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. Complainant – Purshottam Patel has lodged FIR stating that in the year 1982, he has executed one power of attorney in favour of his brother Ranchhordas, which was later on canceled in the year 1984. Subsequently, the complainant has learnt that property has been sold out by the Ranchhordas in connivance with this applicant and others by making use of forged power of attorney. Hence, this case.
6. Considered the submissions made and the contents of the case diary. After considering the material present in the case diary and for the reasons that the applicant is not an executant of any documents neither any statement of any witness is there that he has negotiated for the sale of the land in question, 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