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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 506 of 2019**

1. Suresh Kumar Verma S/o Dadu Prasad Verma Aged About 38 Years R/o Haldibadi Chirmiri, Police Station Chirmiri, Tahsil Chirmiri, District Korea Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh
2. Dinesh Prasad Verma S/o Dadu Prasad Verma Aged About 22 Years R/o Haldibadi Chirmiri, Police Station Chirmiri, Tahsil Chirmiri, District Korea Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Applicants**Versus**

1. State Of Chhattisgarh through Station House Officer, Police Of Police Station Chirmiri, District Korea Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh
2. Jitendra Kumar Verma S/o Shri Daduprasad Verma Aged About 37 Years R/o Haldibadi Chirmiri, District Korea Chhattisgarh. Presently Residing At Mo. Khajurpara Bramharoad Nagar, Police Station And Tahsil Ambikapur, District Surguja Chhattisgarh. Through Power Of Attorney Smt. Ranju Kashyap, W/o Jitendra Kumar Verma, Aged About 36 Years, R/o Haldibadi Chirmiri, District Korea Chhattisgarh, Presently Residing At Mo. Khajurpara Bramharoad Nagar, Police Station And Tahsil Ambikapur, District Surguja Chhattisgarh. (Complainant), District : Surguja (Ambikapur), Chhattisgarh.

---- Respondents**And****M.Cr.C. No. 1941 Of 2019**

Dadu Prasad S/o Chhedilal Verma Aged About 65 Years R/o Haldibadi, Mahuwa Dafai, Police Station Chirmiri, Tahsil Chirmiri, District- Korea, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh.

---- Applicant**Vs**

1. State Of Chhattisgarh through Station House Officer, Police Of Police Station Chirmiri, District Korea Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh
2. Jitendra Kumar Verma S/o Shri Daduprasad Verma Aged About 37 Years R/o Haldibadi Chirmiri, District Korea Chhattisgarh. Presently Residing At Mo. Khajurpara Bramharoad Nagar, Police Station And Tahsil Ambikapur, District Surguja Chhattisgarh. Through Power Of Attorney Smt. Ranju Kashyap, W/o Jitendra Kumar Verma, Aged About 36 Years, R/o Haldibadi Chirmiri, District Korea Chhattisgarh, Presently Residing At Mo. Khajurpara Bramharoad Nagar, Police Station And Tahsil Ambikapur, District Surguja Chhattisgarh. (Complainant), District : Surguja (Ambikapur), Chhattisgarh.

---- Respondents

For the Applicants : Shri Anil Gulati, Advocate.
For Respondent No.1/State : Shri I. Lakra, P.L.
For Respondent No.2 : Shri Nishikant Sinha, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

ORDER

03.05.2019

Heard.

1. Both these applications are being decided by this common order as they arise from the similar incident. M.Cr.C.(A) No. 506 of 2019 is the first application under Section 438 of Cr.P.C. filed by the applicants for grant of anticipatory bail, who are apprehending arrest in connection with Complaint (Criminal) Case No.124 of 2018, registered at Police Station – Chirmiri, District – Korea, Chhattisgarh for the offences punishable under Sections 419, 420, 467, 468 and 471 read with Section 34 of the Indian Penal Code. M.Cr.C. No. 1941 of 2019 is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 by the applicant for grant of regular bail to him, who has been arrested in connection with the aforesaid offence.

2. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case. The complainant has made totally false allegations against these applicants. The dispute was earlier raised in Civil Suit No. 39A of 2016 before the Court of Civil Judge, Class-II, Baikunthpur at Chirmiri, District Korea and the same issue was raised in civil suit that the signature of the complainant was forged in the sale deed by these applicants. The Civil Court has by judgment dated 25.7.2018 filed by the complainant held, that the complainant has failed to prove that the sale deed

was forged by these applicants. Hence, for these reasons, the applicants are entitled for grant of regular/ anticipatory bail.

3. On the other hand, learned counsel for the State opposes the bail applications and the arguments submitted in this respect.

4. Learned counsel for the complainant objects the bail application and the arguments made in this respect. It is submitted that there is no such clear finding in the judgment of the Civil Court that the document was not forged. The only reason for dismissing the suit was failure on the part of the complainant/ plaintiff to prove his case. Hence, it is prayed that this application be rejected.

5. Heard counsel for both the parties and perused the case diary.

6. According to the complaint filed, the complainant and the applicants were joint owners of the disputed shop. It is alleged that the applicants without the consent and the knowledge of the complainant have sold out the said property to the third person by forging the signature/ finger print of the complainant. Hence, this case.

7. Considering the fact that there is finding of Civil Court which is in favour of the applicants, I feel inclined to grant regular/ anticipatory bail to the applicants.

8. Accordingly, the bail applications filed under Sections 439 and 438 of the Cr.P.C. are allowed.

9. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the Officer arresting them 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. They shall also abide by the following conditions:

- '(i) that the applicants shall make themselves available for interrogation before the Investigating Officer as and when required;
- (ii) that the applicants 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 them from disclosing such facts to the Court or to any police officer;
- (iii) that the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.'

10. It is directed that applicant – Dadu Prasad in M.Cr.C. No. 1941 of 2019 shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed. In case any

default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi