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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 514 of 2019**

1. Mukesh Nandi S/o Ranjit Nandi Aged About 24 Years R/o Mig-02, H.No.1597, Ward No. 26, Housing Board Colony, Bhilai Tahsil And District - Durg Chhattisgarh., District : Durg, Chhattisgarh
2. Shyama Yadav W/o Vimal Yadav Aged About 49 Years R/o H.No.1308, Ward No. 15, Near Durga Manch, Ghasidas Nagar Bhilai, Tahsil And District - Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through District Magistrate, Bemetara, District - Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh.

---- Respondent**And****M.Cr.C.(A) No. 542 Of 2019**

1. Mukesh Nandi S/o Ranjit Nandi Aged About 24 Years R/o Mig - 02, H.No. 1597, Ward No. 26, Housing Board Colony, Bhilai Tahsil And District Durg Chhattisgarh., District : Durg, Chhattisgarh
2. Shyama Yadav W/o Vimal Yadav, Aged About 49 Years R/o H.No. 1308, Ward No. 15, Near Durga Manch, Ghasidas Nagar, Bhilai Tahsil And District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant**Vs**

State Of Chhattisgarh Through District Magistrate, Bemetara District Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh.

---- Respondent

For the Applicants : Shri Amiyakant Tiwari, Advocate.

For the Respondent/State : Shri Arun Kumar Shukla, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****16.04.2019**

Heard.

1. Both these applications are being decided by this common order as they arise from the same incident. These are the first bail applications under

Section 438 of Cr.P.C. filed by the applicants for grant of anticipatory bail, who are apprehending arrest in connection with Crime Nos.42 and 43 of 2019 registered at Police Station – Berla, District Bemetara, for the offence punishable under Sections 419, 420, 468, 471 and 120B/ 34 of the Indian Penal Code.

2. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case. It is submitted on behalf of the applicants in both the cases that no offence has been committed by these applicants as alleged in the FIRs lodged against them. The applicants in both the cases are *bona-fide* purchasers of the land against consideration. They were not a party to the execution of alleged forged power of attorney which has been used for executing the sale deed in favour of these applicants. These applicants are the persons who themselves have been cheated by co-accused – Babu Gyan Prakash. These applicants did not have any previous acquaintance with the complainants, therefore, they were not in a position to know about the offence of impersonation and cheating. Hence, it is prayed that the applicants in both the cases be benefited with grant of anticipatory bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the offence has been committed by the co-accused persons in connivance of these applicants. Hence, for these reasons, they are not entitled for grant of anticipatory bail.

4. Heard counsel for both the parties and perused the case diary.
5. In Crime No.42 of 2019, complainant – Rimpi Sharma and in Crime No. 43 of 2019, complainant – Pushpa Vishwakarma, both are sisters of main accused – Babu Gyan Prakash. It is alleged that co-accused – Babu Gyan Prakash prepared a forged power of attorneys in the name of his sisters and got them registered before the Registration Office by use of some impersonation and then made use of same to sell out the property belonging to both the sisters. Separate FIRs have been lodged by Rimpi Sharma and Pushpa Vishwakarma.
6. After considering the entire material present in the case-diary and the fact that these applicants were not a party to the execution of forged power of attorney, I feel inclined to grant anticipatory bail to the applicants in both the cases.
7. Accordingly, the bail applications filed by the applicants in both the cases under Section 438 of the Cr.P.C. are allowed.
8. It is directed that in the event of arrest of the applicants in both the cases 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.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge