

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 573 of 2019**

Gurdeep Singh, S/o. Late Shri Keshar Singh, Aged About 62 Years,
Private Dairy Business, R/o. G.E. Road, Charoda, Police Station House
Old Bhila-3, District Durg Chhattisgarh.

----Applicant***Versus***

State Of Chhattisgarh, Through : Police Station House Old Bhilai, District
Durg Chhattisgarh.

---- Respondent

For Applicant	: Mr. Ashok Verma, Advocate with Mr. Gajendra Sahu, Advocate
For Respondent	: Mr. I. Lakra, Dy.G.A.
For Objector	: Mr. Awadh Tripathi, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****10/05/2019**

1. Apprehending arrest in connection with Crime No.120/2013, registered at Police Station – Old Bhilai, 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. Totally false complaint has been filed by the complainant – Dilip Hinduja claiming to be power of attorney holder of Kewal Ram. The applicant has not played any role in the said commission of offence of forgery and cheating. The only evidence against the applicant is that the applicant was in possession of Rin Pustika of disputed land, therefore, he is being made an accused for the said

forgery and cheating. Charge-sheet was firstly filed against one co-accused Mohd. Shakeel Khan, who is the main accused and as alleged he on the basis of forged power of attorney sold out the disputed land to another co-accused Keshri Begam. The applicant had earlier filed a civil suit against Keval Ram and others claiming to be person entitled to possession of Rin Pustika, which was dismissed by the Court below against which, the applicant has filed an appeal, therefore, as a counter blast, the applicant has been arrayed as an accused in this case. Referring to the number of documents filed along with the bail application, it is submitted that the case is of civil nature. On the contrary, the stand of the applicant is this that the owner Kewalram had promised to donate part of the land to Gurudwara for that reason he has entrusted Rin Pustika of the said land to this applicant. Therefore, no case is made out against the applicant. It is therefore, prayed that the applicant may be granted 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 on the basis of evidence present on record of the case concerned, the applicant is not entitled for grant of anticipatory bail.
4. Learned counsel for the objector after adopting the argument advanced by the learned counsel for the State submits that undisputedly the applicant was the person in possession of Rin Pustika and the same Rin Pustika was used by another co-accused Mohd. Shakeel Khan for transferring the land to another co-accused Keshari Begam for which, the forged power of attorney was prepared purported to be granted by Kewal Ram and the sale was made. Copy of the Rin Pustika attached also shows

interpolation and tampering in the entries of the sale and the Rin Pustika was in possession of this applicant, therefore, he is directly involved in the commission of offence. It is alleged that the applicant is habitual offender of similar nature of offence, therefore, it is prayed that the applicant may not be released on anticipatory bail.

5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. According to the prosecution case, charge-sheet was filed against one Mohd. Shakeel Khan and Keshari Begam for offence under Section 420, 467, 468, 471/34 of the Indian Penal Code alleging that forged power of attorney were used by Mohd. Shakeel Khan and the land was sold to Keshari Begam. As the applicant was not arrayed as an accused in that case, a separate application has been filed and after making enquiry, the applicant has been added as an accused in that case.
7. Considered the submissions made and the contents of the case diary. After considering on the entire material present in the case diary and the complications that have been raised by both the sides, the applicant has been arrayed as an accused on a later stage on the basis of the enquiry report of Revenue Officer regarding which, the police has not made any further investigation. Therefore, after due consideration of each and every material present in the case diary, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
8. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.

9. 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