

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 646 of 2019

1. Smt. Meena Jain, D/o Late Kishanchand Jain, Aged About 58 Years, Presently R/o Jainbada Bus Service- Pendra (Marwahi Road), Police Station-Pendra, District- Bilaspur, Chhattisgarh.
2. Sudhir, S/o Nemchand Jain, Aged About 55 Years, R/o Jain Mohalla, Pendra, Police Station- Pendra, District- Bilaspur, Chhattisgarh.

---- Applicants

Versus

- State of Chhattisgarh Through Station House Officer, Police Station- Pendra, District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Kishore Bhaduri with Shri Ashok Soni,
Advocate.

For Respondent : Mr. Devendra Pratap Singh, Dy. Adv. General.

For Objector : Mr. Umakant Singh Chandel, Advocate.

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

01/08/2019

1. The applicant have preferred this bail application under Section 438 of Cr.P.C. apprehending their arrest in connection with Crime No.61/2019 registered at Police Station-Pendra, District-Bilaspur, Chhattisgarh for the offence punishable under Section 420/34 of the Indian Penal Code.
2. Learned counsel for applicant submits that applicants are innocent and have been falsely implicated in this case. Applicant No.1 is daughter of Kishanchand Jain, whereas complainant Chhaya Prakash is illegitimate daughter of Kishanchand Jain. Said Kishanchand Jain had executed his first Will on 9.4.2014 (Annexure-2), in which, he bequeathed all his properties to his five daughters including

complainant Chhaya Prakash. Thereafter while residing with Chhaya Prakash for some time, the complainant influenced Kishanchand Jain and got executed another Will on 20.3.2017 bequeathing his entire property in favor of Chhaya Prakash. Subsequent to this, Kishanchand Jain had executed his last Will on 4.8.2018 bequeathing his property to his daughters from legally wedded wife. After the death of Kishanchand Jain, a civil suit has been filed by the applicants, which is pending, therefore, it is a matter of civil suit dispute. Even then the FIR has been lodged on 18.2.2019 making false allegations against the applicants. Reliance has been placed on the judgment of ***Md. Ibrahim & others vs State of Bihar & another*** reported in ***2009(83) AIC 58 (S.C.)***. Hence, it is prayed that applicants may be granted anticipatory bail.

3. Learned State counsel opposes bail application and submissions made in this respect. It is submitted that in this case this written complaint was filed earlier and the civil suit was filed later on. The allegations of the complainant in this case is this, that the said last will is forged and in support thereof report of handwriting expert is obtained, therefore, applicants are not entitled for grant of anticipatory bail.
4. After adopting the arguments advanced by learned State Counsel, it is submitted by the learned counsel for the Objector that it is a clear case of forgery of last will of deceased Kishanchand Jain. While earlier Wills executed by Kishanchand Jain are registered Wills, the last Will is unregistered. Apart from this, the said last Will is prepared on a stamp paper of Rs.100/- and the purchase of the same is shown for the purpose of swearing in an affidavit. Further, the witnesses of the

execution of this will are the applicants themselves, who are the interested party. The complainant got the copy of Will examined by handwriting expert and as per report of handwriting expert, signature of Kishanchand Jain appearing in the Will is not in accordance with the specimen signature Kishanchand Jain, therefore, strong case is made out against the applicants. Hence, they are not entitled for grant of anticipatory bail.

5. Heard both the parties and perused the case diary.
6. It is a clear case where the complainant has alleged that the applicants have forged a will to grab the property of deceased Kishanchand Jain who had earlier bequeathed his entire property in favor of the complainant by registered Will dated 23.2.2017.
7. On perusal of all the contents of the case, it is found that the substance of allegation against the applicants is supported with relevant evidence, therefore, at this stage, it cannot be said that it is purely a case of civil nature. There are sufficient evidence to make out a case against the applicants, therefore, I am not inclined to allow the application for grant of anticipatory bail.
8. Accordingly, anticipatory bail application is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge