

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 845 of 2019**

1. Rikhi Ram S/o Bodhan Aged About 67 Years R/o Kandai, Tahsil Dhamdha, District Durg Chhattisgarh., District : Durg, Chhattisgarh
2. Agar Das S/o Kali Das Satnami Aged About 46 Years R/o Kandai, Tahsil Dhamdha, District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Berla, District Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh.

---- Respondent**And****M.Cr.C.(A) No. 846 Of 2019**

1. Rikhi Ram S/o Bodhan Aged About 67 Years R/o Kandai, Tahsil Dhamdha, District Durg Chhattisgarh., District : Durg, Chhattisgarh
2. Agar Das S/o Kali Das Satnami Aged About 46 Years R/o Kandai, Tahsil Dhamdha, District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Applicants**Vs**

State Of Chhattisgarh Through The Station House Officer, Police Station Berla, District Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh.

---- Respondent

For the Applicants : Shri Uttam Pandey, Advocate.
For the Respondent/State : Shri Samdarsh Nirankari, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****25.06.2019**

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 & 43 of 2019 registered at Police Station – Berla, District Bemetara, for the offence

punishable under Sections 419, 420, 468, 471 and 120-B read with Section 34 of the Indian Penal Code.

2. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case. No case is made out against the applicants on the basis of the material placed before the Court by the prosecution. The applicants in both the cases had not been party or witness to the forged power of attorney. They simply attested the sale in both the cases without having knowledge that the power of attorney is forged one, therefore, they are not committed any offence. Hence, it is prayed that the applicants in both the cases are entitled for 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 said fraudulent sales could not be completed without the knowledge of these applicants. Hence, no case is made out for grant of anticipatory bail to the applicants.

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

5. In Crime No.42 of 2019, complainant – Rimpi and in Crime No.43 of 2019, complainant – Pushpa Vishwakarma. It is alleged that the brother of both these complainants co-accused – Gyan Prakash forged a power of attorney in the name of his sisters and making use of the same, sold the property to different persons regarding which, separate FIRs have been lodged by the complainants.

6. As it appears from perusal of the case-diary that these applicants are only attesting witnesses of the sale made and they are not the party or witness to the forged power of attorney, therefore, I feel inclined to grant anticipatory bail to all 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 in respect to each crime. 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