

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 856 of 2019

1. Ankit Kumar Pal, S/o Gopal Pal, Aged About 29 Years, R/o Bhattipara, Baikunthpur, District- Koriya, Chhattisgarh.
2. Ankita Sahu, D/o Ramesh Chandra Sahu, Aged About 25 Years, R/o Ward No. 5, Harrapara, Baikunthpur, District- Koriya, Chhattisgarh.

---- Applicants

Versus

- State of Chhattisgarh Through Police Station- Charcha, District- Koriya, Chhattisgarh.

---- Respondent

For Applicants : Mr. Pushkar Sinha, Advocate.

For Respondent : Mr. Ghanshyam Patel, Govt. Advocate.

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

04/07/2019

1. The applicants have preferred this bail application under Section 438 of Cr.P.C. apprehending their arrest in connection with Crime No.75/2019 registered at Police Station-Charcha, District-Koriya(C.G.), for the offence punishable under Sections 420 of the Indian Penal Code.
2. Learned counsel for applicants submits that applicants are innocent and have been falsely implicated in this case. No case is made out against these applicants. These applicants are only the attesting witnesses of the sale-deed and they are not the party to the negotiation and the oral agreement that has taken place between the complainant and the main accused Sant Kumar. The main accused

Sant Kumar has been granted regular bail by the Court below, hence, it is prayed that the application of these applicants may also be allowed.

3. Learned State Counsel opposes bail application and submissions made in this respect. It is submitted that these applicants had full knowledge of the fraudulent sale, in which, they have knowingly and intentionally appeared as attesting witnesses, therefore, they are not entitled for grant of anticipatory bail.
4. Heard both the parties and perused the case diary.
5. According to prosecution case, there had been an oral agreement for sale of 15 Decimals land between complainant Sukhmania and Sant Kumar. It is alleged that when the sale-deed was executed, there was mention of 51 Decimals of land in a fraudulent manner, without the knowledge of the complainant. When the complainant came to know, she has lodged this FIR.
6. After considering the entire material present in the case diary and the role of these applicants in the said execution of sale-deed, I am of this opinion that applicants deserve to be benefited with grant of anticipatory bail.
7. 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 their executing a personal bond in the sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicants 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 him/her 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 him by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha