

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 950 of 2019

- Prem Kumar Sahu S/o Late Prajapati Sahu Aged About 39 Years R/o Madhubanpara, Ward No. 10, Raigarh Taluka- Raigarh District Raigarh Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through S.H.O. Chakradhar Nagar, Raigarh District Raigarh Chhattisgarh.

---- Respondent

For Applicant : Mr. Krishna Tandon, Advocate.

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

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

23/08/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.14/2017 registered at Police Station- Chakradhar Nagar, Chhattisgarh for the offence punishable under Sections 420, 467, 468, 471 & 120-B, 417/34 of IPC.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. Although the photograph of the appellant has been attached in the sale-deed that was executed, but this applicant has not affixed his signature, which has been forged by someone else. Similarly placed co-accused persons have been granted regular as well as anticipatory bail by this Court, therefore, it is prayed that he may also be enlarged on anticipatory bail.

3. Learned State counsel opposes bail application and submissions made in this respect. It is submitted that this applicant deliberately identified the impersonator as the actual vendor at the time when the sale-deed was executed, therefore, application be rejected.
4. Heard both the parties and perused the case diary.
5. According to prosecution case, the sale-deed was executed, in which, the owner of the property Jaidev was impersonated by somebody else and it is alleged that this applicant was present at the time of execution and had identified the vendor.
6. On perusal of the copy of sale-deed present in the case diary, it appears that the name of this applicant has appeared as a witness and the applicant is claiming that the signature is not affixed by him which is subject to further inquiry. However, there is no such endorsement made in the sale-deed on behalf of the appellant/witness that he had identified the vendor, under these circumstances, I feel inclined to allow the application of this applicant.
7. Accordingly, the anticipatory bail application is allowed and 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 his executing a personal bond in the 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 them by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha