

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 969 of 2019**

- Pyre Lal Dewangan S/o Raghunath Dewangan Aged About 42 Years By Caste Koshta, R/o Ward No. 1, Charama, District U.B. Kanker, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Charama, District : Uttar Kanker, Chhattisgarh.

---- Respondent

For Applicant	: Shri Shalvik Tiwari, Advocate.
For Respondent/State	: Shri Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**23/08/2019**

1. The Applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending his arrest in connection with Crime No. 274/2016 registered at Police Station Charama, District – Uttar Baster, Kanker, (C.G.). for the offence punishable under Sections 420, 506 r/w Section 34 of IPC.
2. In this case there are two accused persons. As per the prosecution story, complainant Radhabai and Ganesh Ram are having abadi plot no. 157 rakba 217 sq. meter, 2324 sq. ft. in the name of Ganesh Ram. On 17.12.2016, Complaint has been made by Radhabai alleging therein that Ganesh is a literate person and present Applicant and another co-accused by preparing a forged document, an agreement dated 11.10.2014 was prepared for sale of above land and had put the thumb impression of Ganesh Ram over the agreement. Present Applicant and co-accused prepared a forged and fabricated document and on the basis of the said, offence has been registered.
3. Learned Counsel appearing for the Applicant submits that the

Applicant is innocent and has been falsely implicated in the present case by the Complainant. He further submits that, over the agreement two witnesses, who are the renowned person of the society had also sign and they are supporting the case of the Applicant and said that the agreement has been executed by Ganesh Ram because of injury sustained by him (Ganesh) as he was not able to put the signature, hence, thumb impression was taken over the agreement and at that time Complainant was also present. Other family members of Ganesh Ram including her first wife and sisters have also filed complaint before police station stating therein that present Applicant is being implicated in the above matter and have also given affidavit in support of sale agreement entered between the Applicant and deceased Ganesh. Therefore, prima facie, no any case is made out against the Applicant.

4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard learned Counsel appearing for the parties and perused the material available with due care.
6. Taking into consideration the submissions put-forth on behalf of the parties and further considering the fact that affidavit has been given by first wife of deceased Ganesh Ram, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present Applicant.
7. Accordingly, the bail application is allowed.
8. It is directed that in the event of arrest of the Applicant in connection with the aforesaid crime, he shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. He shall also abide by all the following terms and conditions :
 - (i) He 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 from disclosing such fact to the Court,

- (ii) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) He shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
Judge