

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1154 of 2019**

Rakesh Gupta S/o Late Anand Prasad Gupta Aged About
54 Years R/o Revira Residency, Gomati Nagar, P.S.
Gomati, District Lucknow, Uttar Pradesh.
--- Applicant

Versus

State of Chhattisgarh through Station House Officer,
Police Station Gol Bazar, Raipur, District- Raipur,
Chhattisgarh. --- Respondent

For the applicant : Mr. Ashish Gupta, Advocate.
For the State : Mr. Anand Verma, Dy. Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****26.07.2019**

1. Apprehending arrest in connection with Crime No. 14/ 2011 registered at Police Station Gol Bazar, Raipur (C.G) for the offences punishable u/ss 419, 420, 467, 468, 471, 120-B of IPC, the applicant has filed this application u/s 438 of the Code of Criminal Procedure.
2. As per the prosecution case, a complaint was made by Shanti Devi that she executed a power of attorney in favour of co-accused Sanjay Kumar. Allegedly, the said power of attorney was forged one wherein the present applicant Rakesh Gupta who is the son was a witness. Subsequently the sale was executed by Sanjay Kumar on the basis of power of attorney and the power of attorney was registered at Raipur. The sale was executed in respect of the property situated at Ghorakhpur and huge consideration was received to the extent of Rs.47 lakhs

thereby applicant Rakesh Gupta was hands in gloves with other accused Sanjay Singh in hatching conspiracy.

3. Learned counsel for the applicant would further submit that the earlier dispute arose in respect of the same property in between complainant Shanti Devi and her Rakesh Gupta wherein the settlement was arrived on 19.10.1994. He further submits that initially the house and property were sold by Rakesh Gupta to Rajkumar on 27.9.1994 for a sale consideration of Rs.47 lakhs. He submits that the transaction was held on the basis of power of attorney for which a civil suit was filed by one Rajkumar Jaiswal at Gorakhpur. He submits that the co-accused Sanjay Singh has been enlarged on bail by this Court on 23.04.2014 on the basis of the fact that the civil suit is pending in between the parties and in the meanwhile false allegations have been attributed.
4. Per contra, learned State Counsel opposes the prayer. However, he is unable to dispute the fact that similarly placed accused namely Sanjay has been granted anticipatory bail by this Court.
5. Perused the case diary as also the earlier bail order passed in M.Cr.C(A). No. 268/2014 on 23.04.2014.
6. Considering the facts and circumstances of the case and the nature of allegations levelled against the applicant as also the fact that similarly placed accused has been enlarged on bail by this Court, I am inclined to admit the present applicant to anticipatory bail.
7. Accordingly, the 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 executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the officer arresting him or the concerned Investigating Officer. The applicant shall also abide by the following conditions :-

- (i) that he shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that 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/her from disclosing such facts to the Court or any police officer;
- (iii) that he shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE