

**HIGH COURT OF CHHATTISGARH, BILASPUR**  
**MCRCA No. 1292 of 2019**

- Bhagchand Kurre S/o Shri Ramprasad Aged About 63 Years R/o Village - Navagaon, Tehsil - Berla, Police Station - Berla, District - Bemetara, Chhattisgarh.

**---- Applicant**

**Versus**

1. Rajesh Mundra S/o Late Shri Ghanshyam Das Ji Mundra Aged About 39 Years R/o C-237/B, Sector-06, Valabh Nagar, Police Station New Rajendra Nagar, District - Raipur, Chhattisgarh, Mobile No. 8770721324
2. State Of Chhattisgarh Through Superintendent Of Police, Raipur, District - Raipur, Chhattisgarh.

**---- Respondents**

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For Applicant : Mr. Pragalbha Sharma, Advocate.

For Respondent No. 1 : None, though notice has been served.

For Respondent No. 2/State : Ms. Smriti Shrivastava, P.L.

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**Hon'ble Shri Justice Arvind Singh Chandel**  
**Order On Board**

**17/10/2019**

1. The Applicant has filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending his arrest in connection with complaint case no. 6954/2018, registered at Police Station New Rajendra Nagar, Distt. Raipur, Chhattisgarh, pending before Judicial Magistrate First Class, Raipur for the offence punishable under Sections 420, 467, 468 & 471 R/w Section 34 of the IPC.
2. A complaint has been filed by Respondent No. 1 against the

Applicant before Judicial Magistrate First Class, Raipur, stating therein that an agreement to sale for a land having Khasra No. 290, 508/1, 466/2, 408/1, 241/3, 365/1, 572 & 267 total Rakba 0.78 hectares for the consideration amount of Rs. 5,00,000/- was executed on 25.09.2014. Later on the Applicant has sold some part of the above mentioned land to someone else. On the basis of said complaint, offence has been registered.

3. Learned counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated by the complainant in the present case. He further submits that virtually the alleged agreement was forged because signature of the Applicant has been put in writing on the said agreement but the Applicant is an illiterate person and he uses only thumb impression as signature. He further submits that the alleged agreement is of the year 2014 and the complaint has been filed in the year 2018. If the facts of the complainant taken as it is, then it is a case of civil nature. *Prima facie* no criminal case can be made out against the Applicant. He lastly submits that the Applicant is a reputed person of his society, he is permanent resident of above mentioned address and there is no chance of his absconding, therefore, he may be granted benefit anticipatory bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties. Without further commenting on merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the Applicant.
7. Accordingly, the anticipatory bail application is allowed.

8. It is directed that in the event of arrest, the Applicant shall be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:-

- I. That the accused/applicant shall made himself available for interrogation before the concerned Investigating Officer as and when required;
- II. The accused/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. The accused/applicant shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
- IV. The applicant 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**