

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.A. No. 1297 of 2019

1. Janakram Chelak Son Of Bahur (wrongly mentioned as Bahar) Singh Chelak Aged About 60 Years
2. Smt. Prem Bai Chelak Wife Of Janak Ram Chelak Aged About 55 Years
3. Tula Ram Sahu Son Of Shri Ratan Lal Sahu Aged About 55 Years
(All are r/o Village Nawagaon Dhourabhatha, Police Station Magarlod, District Dhamtari Chhattisgarh)
4. Smt. Rameshwari Markande Wife Of Suresh Markande Aged About 36 Years R/o Abhanpur, P.S. Abhanpur, District Raipur Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Magarlod, District Dhamtari Chhattisgarh

---- Non-applicant

For Applicants	– Mr. Raghvendra Pradhan, Advocate.
For Non-applicant/State	– Mr. Adil Minhaj, G.A.
For Victim	– Mr. Roop Naik, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

04-10-2019

1. Apprehending arrest in connection with Crime No.198/2019, registered at Police Station – Magarlod, District- Dhamtari, Chhattisgarh for offence punishable under Sections 419, 420 and 467/34 of I.P.C., the applicants have preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicants that in fact the owners of the land namely Fuliya Bai and Fulbati themselves had appeared before the Registration Officer for registering the sale deed then later on they have consented. Therefore, it is not a case of impersonation, forgery or cheating. Therefore, it is prayed that the applicants be granted anticipatory bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that there is clear evidence of the witnesses that it is a case of impersonation and cheating, therefore, these applicants are not entitled for grant of anticipatory bail.
4. Mr. Roop Naik appearing on behalf of Fulbati and Fuliya Bai submits that persons concerned have no objection in grant of bail to these applicants.
5. Heard learned counsel for the parties and perused the case diary.
6. According to prosecution case, on 27.07.2019, these applicants appeared in the office of Sub-Registrar, Kurud for registration of a sale deed, but the co-owners namely Fulbati and Fuliya Bai did not appear and in place of them applicant No.2 and 4 impersonated for the execution of sale deed. Hence, this case.
7. After considering on the submissions made by both the sides and taking into consideration this fact that the complainant is a third party and that the persons, who are alleged to have been impersonated by others, have no objection in grant of bail to the applicant. Therefore, I feel inclined to allow this application.
8. Accordingly, the anticipatory bail application is allowed. 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 executing a personal bond in sum of Rs.25,000/- with one surety each 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 them by the said Court till disposal of the trial.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Monika