

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1329 of 2019

- Bhisham Singh Chandrakar S/o Late Khuman Singh Aged About 81 Years R/o Village Hanoda, Police Chowki Padmnabhpur, Police Station City Kotwali Durg, District Durg, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Chowki Padmnabhpur, Police Station City Kotwali Durg, District Durg, Chhattisgarh.

---- Respondent

For Applicant	: Ms. Kiran Singh, Advocate.
For Respondent/State	: Mr. Alok Nigam, G.A.
For Objector	: Mr. Shikhar Sharma, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

24/10/2019

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 crime no. 677/2019, registered at Police Station City Kotwali, Distt. Durg, Chhattisgarh for the offence punishable under Section 420 & 406/34 of the IPC.
2. As per prosecution story, a Civil Suit No. 5-A/2011, was pending before the IV Judicial Magistrate Second Class, Durg, wherein the applicant and other co-accused persons are the parties. During the pendency of the civil suit, disputed land was sold by the accused persons stating that the land is clear and free from any mortgage, the sale was made on 16.08.2013. Later on decree was passed

against the accused persons on 24.01.2014, as a result of which Indu Bai (plaintiff in Civil Suit No. 5-A/2011) moved an application for mutation in the Court of Tahsildar Durg, in which no objection has been received and mutation was done in the name of Indu Bai, against which complainant felt grievance and on 12.07.2019 moved a complaint case under Section 156(3) of the Cr.P.C., in which learned Court has ordered to register the FIR, therefore, offence has been registered.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. She further submits that no role has been played by the applicant in the alleged offence. The matter is of civil nature. The applicant is only a power of attorney holder given by the original owner of the disputed land. Subsequently, the land sold by the owner to the complainant which is not within the knowledge of the applicant, therefore, no case can be made out against him. She 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 and objector opposes the bail application.
5. I have heard learned Counsel for 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 and further considering the fact that in the sale deed the applicant is neither a party nor he signed as a witness in the said deed. Without further commenting on other 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