

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7232 of 2018**

G. R. Ramchandramohan S/o Late Shri N. G. Pille Aged About 62
Years R/o Flat No. 124 Ayappa Nagar Supela, Post Office And Police
Station Supela Bhilai, District Durg Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police
Station Takhatpur, District Bilaspur Chhattisgarh

---- Respondent

For applicant	Shri Abhishek Sharma and Shri Ravindra Sharma, Adv.
For State	Mr. A.N. Bhakta, Dy. Adv. General.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****29-1-2019**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other court.
2. The applicant has been arrested in connection with Crime No. 328/2011 registered in police station Takhatpur, Distt. Bilaspur (CG) for offence punishable under Section 419, 420, 465, 467, 468, 471, 167, 212, 217 and 120-B of the IPC.
3. Prosecution story in brief is that the owner of the disputed land was Spiritual Regeneration Movement Foundation of India, New Delhi. The applicant made a forged power of attorney and executed registered said deed of the disputed land in favour of some persons. Consideration was Rs. 1,49,10,000/-. Cheques got dishonoured and said institution does not get consideration amount. Before execution of registered sale deed, he in collusion with the concerned Patwari got his name mutated by committing forgery. The Registrar knowing that the applicant is not competent person to execute the registered said deed, bypassed the objection and registered the sale deed.
4. As per true copy of letter of office of the Commissioner of Industries, Delhi, the applicant was member of the Board of Management of the above society for the year 2011-2012. As per true copy of the list of office bearers of the Board of Management of the said society for the year 2011, applicant's name has been shown as treasurer. As per true copy of list of office bearer of the Board of Management of the

said society for the year 2010-12, the name of applicant is shown as treasurer. As per true copy of the affidavit of Shiv Kumar Choudhary, General Secretary of the said institution, the Board of Management had passed resolution on 4-5-2011 to authorize the applicant as power of attorney for immovable properties of the said institution. As per true copy of the resolution dated 4-5-2011, the Board of Management of said institution had passed a resolution that a power of attorney shall be executed in favour of the applicant for execution of sale deed of the land. As per true copy of the power of attorney dated 5-5-2011, the above institution executed power of attorney in favour of the applicant to dispose of the disputed land, to receive the amount etc. These all papers are part of bail petition.

5. Prosecution has failed to demonstrate prima facie that the aforesaid documents are forged. The cheques were deposited in the bank of aforesaid institution.
6. It is also emerged from the aforesaid true copy of the letter of Commissioner of Industries, Delhi that in the society there are two groups. Another group is under the presidentship of Bramhachari Nandkishore. Prosecution prema facie failed to show that the complainant Dinesh Chandra Khare is allegedly authorized by power of attorney by said institution.
7. Counsel for the applicant argued that the applicant is innocent and has been falsely implicated hence he be released on bail.
8. On the other hand, the State Counsel opposed the bail application. He further submits that no criminal antecedent has been reported against applicant in the police case diary.
9. Looking to the above facts and circumstances of the case, looking to the evidence available on record against the applicant, and as the trial will take its own time, the application is allowed. It is ordered that if the applicant furnishes two solvent sureties each for a sum of Rs. 50,000/- along with one personal bond of Rs. one lac to the satisfaction of the trial Court concerned with the condition that he will not leave the state of Chhattisgarh without obtaining prior permission of the Court, he be released on bail.
10. CC as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge