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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1195 of 2018**

Smt. Suman Dheer W/o Shri Balraj Dheer Aged About 70 Years R/o Mig- 19, Indrawati Colony, Raipur, District- Raipur, Chhattisgarh. (Mobile No. 9425511412), District : Raipur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Officer Incharge Of Police Station- Vidhan Sabha, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh.

---- Respondent**And****M.Cr.C.(A) No. 1237 Of 2018**

Sarvesh Dheer S/o Shri Balraj Kumar Dheer Aged About 43 Years R/o Mig 19, Indrawati Colony, Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh.

---- Applicant**Vs**

State Of Chhattisgarh Through Officer Incharge Of Police Station Vidhan Sabha Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Kishore Bhaduri, Shri A.S. Rajput and Shri Roop Naik, Advocates.
For the Respondent/State	:	Shri A.N. Bhakta, Dy. A.G.
For the Objector	:	Shri Sunil Pillai and Shri Sumit Raghuvanshi, Advocates.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****04.01.2019**

Heard.

- Both these applications are being decided by this common order as they arise from the similar incident. These are the first bail applications under Section 438 of Cr.P.C. filed by the applicants for grant of anticipatory bail, who are apprehending arrest in connection with Crime No.107 of 2016

registered at Police Station – Vidhan Sabha, Raipur, District Raipur, for the offence punishable under Sections 420, 467, 468, 469, 470, 471 and 120B of the Indian Penal Code.

2. Learned counsel for the applicants submit that the applicants in both the cases have been falsely implicated in this case. No case is made out against them according to the case under investigation. Applicant – Smt. Suman Dheer has been granted interim in W.P. Cr. No. 167 of 2016 vide order dated 6.8.2018 which has been acknowledged by this Court in the order dated 27.9.2018 as interim relief in these cases also. Thereafter, the applicants in both the cases have not misused this liberty. It is also submitted that the dispute between the applicants and the complainant is based on an agreement which did not bear any date initially but later on, the signatory Avinash Chand Sondhi has affixed his signature on 7.9.1991 on which basis, it is claimed that these applicants have forged the agreement and have misused the same. The applicants claimed the genuineness of the agreement which is being denied by the complainant for his own benefit as he has unlawfully ousted the Founder Directors - Smt. Suman Dheer and Smt. Rajkumari Kanda from the Educational Institution and deprived them from benefits. Complainant – Sachin Shandilya and another had filed a civil suit which has been decided by the trial Court and the appeal is pending which again shows that the dispute between the applicants and the complainant is of civil nature. In Cr.M.P. No. 26495 of 2012 filed by Manju Shandilya and Others against Suman Dheer and Others, the Hon'ble Supreme Court has observed that the dispute between the parties is of civil nature and has recorded the statement of the petitioners i.e. Manju Shandilya and Others that they will supply all the documents to the

Chattered Accountant i.e. M/s. Joglekar Maitra & Company before passing an appropriate order by the Supreme Court. Subsequent to which, the matter has been examined by M/s. Joglekar Maitra & Company and reported on 14.3.2014 which is clearly against Manju Shandilya and Others and in favour of these applicants. The parties are litigants since long and just to avoid civil liabilities' complainant – Sachin Shandilya and another have made a false complaint through T.R. Dewangan. One co-accused has been granted regular bail. Hence, looking to the nature of the case, it is prayed that the applicants in both the cases be granted anticipatory bail.

3. On the other hand, learned counsel for the State opposes the bail applications and the submissions made in this respect. It is submitted that the case is still under investigation and there may be requirement of custodial interrogation of the applicants. Hence, the applicants in both the cases are not entitled for grant of anticipatory bail.

4. Learned counsel for the Objector adopting the arguments advanced by the State and submits that the allegation of commission of offence by both these applicants is of very serious nature regarding which, there is sufficient evidence present in Cr.R. No. 26 of 2016 filed by the complainant against applicant – Smt. Suman Dheer and Others. It has been observed that the complaint that has been filed against the complainant was only for the purpose of using an arm twisting device, whereas, co-accused – Balraj has clearly made a false statement before the Court which confirms the forgery of the disputed agreement. It is objected that the report submitted by the Chattered Accountant was not as per the direction of the Supreme Court and the date of such report is also disputed. Hence, on this basis, it is submitted

that looking to the ample evidence present against the applicants no case is made out for grant of anticipatory bail to both the applicants.

5. Heard counsel for both the parties and perused the case diary.

6. A written complaint has been filed by T.R. Dewangan on behalf of Sachin Shandilya who happens to be Managing Director of Gyan Ganga Educational Institution Private Limited in which it is alleged that these applicants alongwith other co-accused persons have forged the documents for the purpose of cheating the complainant and others.

7. After considering all the material present in the case-diary and taking into consideration the nature of the dispute which is continuing against these applicants and the complainants' side and it is confirmed from the documents which have been produced, that there are same allegations against the complainant's side also. Hence, for these reasons, I feel inclined to grant anticipatory bail to all the applicants in both the cases.

8. Accordingly, the bail applications filed by the applicants in both the cases under Section 438 of the Cr.P.C. are allowed.

9. It is directed that in the event of arrest of the applicants in both the cases 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 in the like sum to the satisfaction of the concerned Investigating Officer. They 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 them 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.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge